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*President:* Mr. Eliasson ..... (Sweden)

*In the absence of the President, Mr. Hamidon (Malaysia), Vice-President, took the Chair.*

*The meeting was called to order at 10.15 a.m.*

**Agenda items 46 and 44 (*continued*)**

**Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields**

**Note by the Secretary-General (A/60/275)**

**Follow-up to the outcome of the special session on children**

**Report of the Secretary-General (A/60/207)**

**Mr. Nguyen Duy Chien** (Viet Nam): The delegation of Viet Nam would like to express its appreciation to the Secretary-General for his report under agenda item 44, on follow-up to the outcome of the special session on children (*A/60/207*).

The report shows clearly that much work remains to be done to achieve a world fit for children. It is our conviction that in order to succeed in all four goal areas of the Plan of Action adopted at the General Assembly's twenty-seventh special session (*resolution S-27/2, annex*), concerted efforts are needed at both the national and international levels.

National-level efforts include intensifying actions to develop and implement national targets that complement and reinforce those of the Plan of Action and the Millennium Declaration (*resolution 55/2*) and the increased mobilization of resources to meet those targets.

Efforts at the international level include support, assistance and cooperation among countries and between countries and the United Nations system. Such international efforts are important for helping countries with scarce resources, especially developing countries, to focus their commitments and funding on attaining the agreed targets. Therefore, adequate attention should also be given to the international dimension of implementing the Plan of Action, namely, the need for stepping up efforts aimed at fulfilling the commitments under section C of the Plan of Action.

The Vietnamese consider children to be the happiness of the family and the future of the nation and the world. A better future for all nations and the entire world can be ensured only through adequate investment in the children of today. Therefore, we consider the protection and care of children to be a shared responsibility of the State, society and the family.

As the first country in Asia and the second country in the world to ratify the Convention on the Rights of the Child, Viet Nam has developed and improved legal and institutional frameworks for the promotion and the protection of the rights of the child. In 1991, the National Assembly of Viet Nam adopted

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the Law on Child Protection, Care and Education. The National Assembly's Committee on Children is actively working with relevant ministries and agencies, in particular the Government's Committee on Population, Family and Children, to ensure full implementation of legislative instruments.

Viet Nam remains firmly committed to the principles and the objectives of the Declaration and Plan of Action of the twenty-seventh special session and continues to attach great importance to full implementation of the goals enshrined in it. I will mention two areas of crucial importance for Vietnamese children today.

The first area is the promotion of healthy lives. Among the four major goal areas, health care for children is among the top priorities of Viet Nam. Health care activities in the country are implemented through national targeted programmes on the prevention of dangerous diseases, on the prevention of HIV/AIDS and on food hygiene and safety. Within those programmes, a number of projects have been implemented for the direct benefit of children, including programmes on extensive immunization, the prevention of malnutrition and safe child-rearing.

In line with Millennium Development Goal 4 and the goals of the twenty-seventh special session, Viet Nam's child mortality rate has been considerably reduced. The under-five mortality rate went down from 58 deaths per 1,000 live births in 1990 to 42 per 1,000 births in 2001, and dropped further to 31.5 per 1,000 births in 2004. The child mortality rate for infants under one year of age declined from 44.4 deaths per 1,000 live births in 1990 to 21 per 1,000 births in 2003, and fell further to 18 per 1,000 births in 2004. That has been achieved by improving maternal health, including the elimination of neonatal tetanus, better immunization coverage, the broad distribution of vitamin A and the provision of free medical examinations for the poor. Today, 95 per cent of ethnic minority children in Viet Nam have been vaccinated against six diseases through extensive immunization programmes.

Currently, further concrete measures are being taken to address the gaps among regions of the country, as well as to further reduce malnutrition and injury-related child mortality, the latter being the greatest cause of child mortality today.

Equally important is the second area, the provision of quality education. While Viet Nam's per capita gross domestic product remains low, we are sparing no effort to provide basic education. Spending on training and education amounted to 15 per cent of the State budget in 2000 and 17.4 per cent in 2004, while spending on making primary and secondary education universal totalled 52.6 per cent of all education spending. Various strategies, programmes and plans have been developed and are being implemented, such as the development strategy for training and education for 2001-2010 and the national action plan for Education for All for 2003-2015. Their goals are compatible with those of the Millennium Development Goals and the Plan of Action of the twenty-seventh special session.

At present, almost 94.5 per cent of Vietnamese children are enrolled in primary schools, and the overall rate for girls is only a fraction of a percentage point less than that of boys. The enrolment rate for girls at all levels of education has generally risen in the period 2001-2004, with no significant differences between regions.

Efforts have been made to address educational disparities between regions in the country, especially relating to ethnic children. The boarding school system, which provides free education and accommodation for ethnic minority students, is being expanded. At present, there are seven national boarding schools for such students. Enrolment of school-age ethnic minority children has increased to between 85 and 90 per cent. Many provinces have a policy giving priority to the admission of ethnic minority children at junior and senior secondary schools. One hundred per cent of ethnic minority pupils are admitted into grades 6 through 10 at public schools. It is also the policy of the Government to provide free education, including notebooks and textbooks, for ethnic minority children, and priority is attached to their admission into universities and colleges. Six sets of textbooks and curricula have been completed in eight widely used ethnic languages.

The Secretary-General has correctly noted in his report on the follow-up to the special session of the General Assembly on children that most of the goals of "A world fit for children" will be achieved only through a major intensification of action for disadvantaged children and families. Our current national focus is in line with that recommendation. At

present, the National Committee on Population, Family and Children is completing a strategy for the protection of the child for the period 2006 to 2010. Also, under the Vision 2020 programme, the strategy will devote maximum attention to the 2.35 million children living in conditions of special hardship, namely, those in rural, mountainous and remote areas, ethnic children, children from poor households, orphans, disabled children and others. The strategy is aimed at providing an enabling legal environment, a network and a mechanism for coordination among the relevant ministries and agencies, the family, schools and the community for the implementation of policies and programmes for the protection and the care of children, with special attention to children facing special hardships. It is expected that the Government will approve the strategy by the end of the year.

Viet Nam has a strong commitment and has made great efforts to promote, protect and care for children, and it is increasingly allocating new resources for children's affairs. However, as a developing country, Viet Nam still has a low level of economic development and faces certain practical constraints in terms of resources in a number of areas. In that regard, we take this opportunity to express our sincere thanks to UNICEF and other international partners for their valuable support and assistance for our endeavours.

**Mrs. Asmady** (Indonesia): The delegation of Indonesia, like many other Member States, is concerned about the pace of progress in implementing the outcomes of the major United Nations conferences and summits. In that light, Indonesia appreciates the updated report of the Secretary-General (*A/60/275*) on the role of the Economic and Social Council in the integrated and coordinated implementation of those outcomes.

The Council has a central role to play in promoting the coordination of those outcomes throughout the United Nations system. We are troubled that the pace of implementation is slow, and we urge the specialized agencies and national Governments to continue to cooperate with the Council to ensure full implementation of outcomes. Clearly, there is need to enhance the efficiency and the effectiveness of action taken to achieve the outcome goals.

Indonesia also notes that the report of the Secretary-General (*A/60/207*) on the progress made in implementation of the outcome document of the special session of the General Assembly on children — better known as "A world fit for children" (*resolution S-27/2*) — presents a mixed picture of such progress. This, the third follow-up report, will serve to keep the fire of enthusiasm burning on behalf of children. From the Secretary-General's report, we note that an increasing number of countries have formulated national plans of action to fulfil the commitments made at the special session. Priority issues for children are becoming more and more integrated into mainstream national planning processes. That augurs well for the future.

For its part, in 2004 Indonesia adopted the National Programme for Indonesian Children 2015. That plan has served as a catalyst for action on behalf of Indonesia's children. Just one year after its implementation, the plan has already had an impact on the health and physical security of the nation's children, who are now afforded greater protection from abuse, exploitation and violence. The plan has also led to action to combat infections among children and to ensure they receive a sound diet. Vaccine-preventable diseases are being resolutely addressed, with special attention being given to polio and measles, which have begun to resurge in Indonesia. With the support of the United Nations Children's Fund (UNICEF) and the World Health Organization, the Government of Indonesia has put programmes into effect in conjunction with a national immunization week. Some 24 million children have benefited.

Other aspects of children's physical well-being are being addressed as well. There are now a number of nutrition programmes in place intended to deal with protein-energy malnutrition and micronutrient deficiencies among children. Specially targeted are children under five from poor families and poor pregnant women. Those programmes have served to reduce both maternal and newborn mortality rates.

Illiteracy is also being attacked. The Government of Indonesia has taken to heart the maxim, "a healthy mind in a healthy body". To that end, acting in concert with UNICEF and UNESCO, the Government of Indonesia has set up a number of creative learning communities for children designed to make the learning experience a thoroughly enjoyable one. Those institutions benefit from transparent management and enjoy the active support of their surrounding communities. The creative learning programme has expanded with incredible rapidity. In 2000, 79 schools offered this type of quality education. By 2004, there

were 1,326 schools involved, reaching close to a quarter of a million children.

Those breakthroughs represent merely the beginning for Indonesia. We are determined to maintain the momentum that we have generated. But we are not so narrowly focused as to ignore what is happening elsewhere within our region. We are therefore happy that regional mechanisms are ensuring political support for the goals of the special session, and we would be more than willing to share experiences and best practices with our neighbours.

**Mrs. Núñez de Odremán** (Bolivarian Republic of Venezuela) (*spoke in Spanish*): With regard to agenda item 46, the Bolivarian Republic of Venezuela would like to reiterate its commitment as a Member of the United Nations, to participate fully in the study of the integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields. We believe they reflect the international community's will to confront the serious problems of humanity with a view to achieving sustainable development.

However, the Bolivarian Republic of Venezuela does not consider it legitimate that the outcome document of the 2005 world summit be invoked with regard to the current item. It is well known that our country has sent a letter to the President of the General Assembly calling for the Legal Counsel of the United Nations, as an office under the Secretary-General, to be consulted with a view to evaluating and restoring the legitimacy and credibility of the outcome document. We made the request based on the following considerations, among others: first, did the negotiation and approval process used in connection with that document conform with the relevant provisions of the United Nations Charter, the rules of the General Assembly and procedural norms?; secondly, was the summit outcome document's reform agenda, as incorporated in the related draft resolution, truly approved by consensus, in view of the explicit rejection of its legitimacy and the express condemnation of the document by the Bolivarian Republic of Venezuela?; and, thirdly, if we conclude that the consensus required for the adoption of the document did not prevail, what value can we attach to any negotiations based on it?

Until a reply is given to its request which was submitted in virtue of its prerogatives as a sovereign nation and a full Member of the General Assembly, the Bolivarian Republic of Venezuela feels that any activity relating to the implementation or application of the outcome document must remain in abeyance.

**The Acting President**: In accordance with General Assembly resolution 49/2 of 19 October 1994, I call on the observer for the International Federation of Red Cross and Red Crescent Societies to give his statement.

**Mr. Gospodinov** (International Federation of Red Cross and Red Crescent Societies): Let me start directly with one of our major challenges today — HIV/AIDS and children. At the sixth Pan African Conference of Red Cross and Red Crescent Societies, held in Algiers in September 2004, African Red Cross and Red Crescent Societies adopted a plan of action containing several objectives. In particular, it calls for a serious commitment to fight stigma and discrimination faced by people living with HIV/AIDS and children orphaned by HIV/AIDS; the need to fight the pandemic through education; and the need to provide psychological support for affected children, their families and communities. Those three objectives reflect to a large degree what we are discussing today.

In southern Africa alone, Red Cross Societies, through their networks of volunteers, are currently reaching 50,000 homecare-based people in need, many of them children. They aim to triple that figure by 2010. Their activities include strengthening the capacity of community and family caregivers to provide homecare, referrals, psychological support and assistance in creating self-help projects and food gardens. Last year alone, in the same region, Red Cross staff and volunteers reached 1.4 million people with messages on HIV/ADS prevention. A few weeks ago we launched an emergency appeal, requesting $30 million to assist 1.5 million people facing grave food insecurity in seven countries in southern Africa — namely, Lesotho, Malawi, Mozambique, Namibia, Swaziland, Zambia and Zimbabwe. The aim is to provide food, agricultural support and safe drinking water to vulnerable people in these countries, where millions of children and young people are paying a high price, very often with their lives.

Also in Africa, Red Cross Societies, with support from the International Federation, are piloting a service delivery model on access to care and antiretroviral therapy for people living with HIV/AIDS. The pilot project is being carried out in six countries: Uganda, Kenya, Ethiopia, Namibia, Zimbabwe and Zambia. Access to antiretroviral therapy is considered a priority for our members in Africa. The greatest service we can provide to any child is to keep his or her parents alive, and vice versa. Is there anything more important for a parent than to keep his or her child alive? That is exactly what we are trying to help with.

Furthermore, the support for orphans and other children made vulnerable by HIV and AIDS is another one of our main priorities in Africa. Guided by the Convention on the Rights of the Child and our own policies, we have developed a regional Red Cross programme strategy for orphans in southern Africa which advocates holistic support to ensure that all needs of orphans and other vulnerable children are met and that their rights are upheld. Holistic support, the way we understand it, includes food and shelter, plus psychological, social and educational backing. With this in mind, our volunteers work with entire families and build strong relationships with the children who come to rely on the volunteers after their parents have passed away. Currently, Red Cross volunteers are supporting 90,000 orphan children in Southern Africa, although our aim is to reach a much larger number by 2010.

While the African continent is particularly affected by the HIV/AIDS pandemic, we at the IFRC are also working on HIV/AIDS response and prevention globally, including in Asia, Latin America and parts of Europe. Over the last year, we have stepped up our peer education programmes, which have proven successful in schools, prisons, youth clubs and among high-risk populations such as truck drivers and commercial sex workers. Community awareness campaigns, the promotion of condom use and the distribution of educational materials were also expanded. One month from now, on 1 December — World AIDS Day — a media-friendly anti-stigma event, called "Come closer ...", will be launched worldwide, aimed at millions of youth and involving people living with HIV/AIDS. This is only one of our many tools for a broad advocacy plan.

We are aware that this monumental task requires equally monumental efforts and broad partnerships. We work closely with the whole United Nations family, especially UNICEF, whose campaign, launched yesterday, we strongly support. We also work closely with the World Health Organization, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the World Food Programme, as well as with Governments and agencies, such as the United Kingdom's Department for International Development, the World Bank, the OPEC Fund and many private corporations. This is crucial for facilitating children's access to antiretroviral therapy and treatment of opportunistic infections.

We also believe that partnerships with people living with HIV/AIDS and their organizations are a priority. Our member Red Cross societies in Southern Africa are also increasing their support to carers, including the grandparents and guardians of orphaned children, children who are caring for their sick parents and, inevitably, our own Red Cross volunteers who work tirelessly with people living with HIV/AIDS and with their families and who, sadly, are also living with the virus. The International Federation is seeking ways to ensure that they have access to health care and psychological support as well.

There is another important reason why we see partnerships as so vital. The caregiver-patient ratio continues to rise. This forces us to recruit and train more volunteers in order to reduce the ratio to acceptable levels of one caregiver to 10 patients. Volunteers work for free, but their training and motivation cost money and need continuous support. We urge all stakeholders to invest more in human resource development. Volunteers should not be taken for granted as free humanitarian power that does not need investment. Our national Red Cross and Red Crescent Societies, which under domestic and international law are auxiliaries to the public authorities, stand ready to work with United Nations Member Governments to bring action forward on this vital issue.

When tsunamis, hurricanes or earthquakes strike and cause destruction, we act swiftly — at least in most cases. We save children and parents alike. Sometimes one gets the feeling that sudden natural disasters push us to act within minutes or hours, while with long-lasting, even predictable, disasters such as the HIV/AIDS pandemic, we are not fast and generous enough. HIV/AIDS kills and affects more people than do earthquakes and hurricanes combined.

Looking at newspaper ads, we are encouraged to adopt a highway, a lake, a forest, a street dog or an elephant in a zoo. That is fine; it is correct and noble. However, to strengthen our global and coordinated actions to combat HIV/AIDS, maybe the time has come to individually and specifically adopt villages in Africa and elsewhere so that someday we may say that not only were the adopted forest, the street dog or the malnourished elephant in the zoo rescued, but that, child by child, village by village, or country by country, a generation was saved. Then, and only then, can we focus on saving more lakes, more rivers and more elephants. Children, however, must be our ultimate priority.

**The Acting President**: We have heard the last speaker in the debate on this item. The Assembly has thus concluded this stage of its consideration of agenda items 44 and 46.

**Agenda item 60**

**Global road safety crisis**

**(a) Note by the Secretary-General (A/60/181 and Corr.1)**

**(b) Draft resolution (A/60/L.8)**

**The Acting President**: I now give the floor to the representative of Oman to introduce draft resolution A/60/L.8.

**Mr. Al-Hinai** (Oman): Since our discussion on road safety in this very Hall last April 2004, another 1.2 million people have been killed on our roads worldwide, and another 20 to 50 million have been injured or disabled. These are startling figures. Yet, they have not made headlines like, say, a plane crash would.

The global road safety crisis is a modern epidemic of extraordinary proportions. The numbers are rapidly getting worse, and the World Health Organization has predicted that by 2020 road traffic deaths and injuries will exceed HIV/AIDS as a burden of death and disability.

What is most alarming is that this crisis is predictable and preventable. These deaths and injuries are predictable, because they rise as the numbers of cars on the road increase. They are preventable, because we have the tools and the knowledge to prevent these deaths. What is most frightening is that few recognize that this is an epidemic in the making and that it can be prevented. Fatalism is our biggest problem, causing individuals to look at road traffic injuries as just accidents — acts that are unpredictable and therefore unpreventable.

2004 was a year of much activity as the United Nations and the international community tried to raise awareness of the problem. The World Health Organization (WHO) dedicated World Health Day to road safety and, together with the World Bank, launched the World Report on Road Traffic Injury Prevention. The General Assembly adopted resolution 58/289, which invited WHO to act as coordinator for road safety issues within the United Nations system. The World Health Organization, with the support of the United Nations regional commissions and a number of stakeholders, held a series of meetings, a result of which is their excellent input in the Secretary-General's report, contained in document A/60/181.

With the active participation and support of the United Nations regional commissions in the process, countries and organizations are pushing forward towards greater international cooperation. Regional efforts are under way in Asia, Africa, Europe and Latin America.

We have come a long way since the road safety item was included in the agenda of the General Assembly in 2003. There is still much more that we can do.

We need to set our goals and monitor our performance. While we speak of the global road safety crisis and the predicted near doubling of road traffic deaths by the year 2020, we can also see this as an opportunity to turn the rising numbers around. If we can keep the death toll from rising to predicted levels over the next 15 years, we can save more than five million lives.

We need to collect meaningful data and strengthen information systems, so as to help Governments view road safety as an important investment.

We need to build the capacity to manage road safety systems, with a focus on prevention of injuries, treatment of injuries and rehabilitation of the injured.

We need to pass and enforce legislation that will help make vehicles, roadways and drivers safer.

We need to support research that illuminates both the causes and consequences of road traffic injuries in low- and middle-income countries and we must share the information that we generate.

Most important is our need to generate political will. Road safety is no accident. It requires commitment at the highest levels of leadership.

Oman, under the wise leadership of His Majesty the Sultan, has, in the last 35 years, seen its road network grow from 10 kilometres in 1970 to thousands of kilometres, connecting all regions from the north to the south, and from the east to the west. Inevitably, along with the increase in the number of vehicles on our roads, the collisions and crashes leading to deaths and injuries also increased. Improving safety on our roads became a top priority for the Government of Oman.

Legislation was enacted and a national road safety agency was established, whose task was to update comprehensive regulations and create a registry to obtain detailed information on the causes of collisions and crashes, with the aim of reducing the number of accidents to a minimum. A year ago, the State Council held a forum on road safety. The two-day forum was also attended by members of the Shura Council and the Royal Oman Police, which is responsible for implementing road safety regulations and for the prevention of road traffic injuries.

Oman's initiative to raise global awareness about road safety is based on its own experience and realization that the problem can only get worse if nothing is done about it. We need to intensify our efforts to raise worldwide awareness of the road safety crisis and its consequences.

My delegation has, throughout this process, worked very closely with other delegations, as well as with a number of other organizations. In addition, from the time the delegation of Oman accepted the General Assembly's invitation to act as coordinator on road safety issues within the United Nations system, the World Health Organization, together with the United Nations regional commissions, has been a reliable and dedicated partner.

The World Health Organization has hosted meetings of the United Nations Road Safety Collaboration, whose outcomes are contained in the report of the Secretary-General. Other important players in the endeavour are the global road safety steering committee under the secretariat of the Task Force for Child Survival and Development, the FIA Foundation for the Automobile and Society and the World Bank, who have all given me invaluable support and encouragement.

In this context, I am pleased to introduce the draft resolution contained in document A/60/L.8, on which my delegation has held a number of informal consultations with other Member States to arrive at a consensus. The draft resolution builds on the recommendations contained in the Secretary-General's report (A/60/181) and in the World Health Organization's World Report on Road Traffic Injury Prevention, and its main points are as follows:

First, it expresses its concern at the increase in traffic fatalities and injuries worldwide and reaffirms the importance of addressing global safety issues through international cooperation.

Secondly, it encourages Member States to adhere to relevant United Nations conventions of 1949 and 1968 and recognizes the work being undertaken by the United Nations Economic Commission for Europe in the elaboration of a substantial package of amendments to the 1968 convention.

Thirdly, it invites Member States to implement the recommendations of the World Report on Road Traffic Injury Prevention and to establish national agencies to develop a national action plan to reduce road traffic injuries.

Fourthly, my Government welcomes the decision by the World Health Organization and the United Nations regional commissions to jointly organize the first United Nations Global Road Safety Week, which would serve as a platform for raising awareness globally about road safety issues.

Lastly, it is unfortunate that road traffic deaths and injuries are not treated as seriously as other disasters and, sadly, the victims do not receive the same respect and compassion as other victims of violence. They end up being statistics and data. But behind those numbers are real people — sons, daughters, brothers, sisters, parents and friends. Let me give you just a few examples.

Faisal — A young physician who had just completed his post-graduate studies, sustained serious injuries in a road crash and, after seven months on a

respirator, had to relearn how to speak, walk and eat. Sadly, he will never practise medicine again.

Nauf was 4 years old when she was hit by a car while crossing the street and was paralysed from the neck down. She was brought to a hospital and put on a respirator to help her breathe. Ten years later, she remains dependent on the respirator. Nauf speaks two or three languages in addition to her mother tongue, mainly as a result of her communication with medical personnel.

Aron was an aspiring physician who had just completed his final year of medical school. He was riding a bus on a winding road when, as a result of speeding, the bus went out of control and overturned. Aron and 22 others died that day.

While Lyndon was on vacation with his family, his car crashed, and a month later he died from his injuries. His family survived but will need to learn to live without their main source of support.

Mansoor, aged 26, was riding a motorbike through an intersection when he was hit head-on by a van whose driver had run several red lights. He was killed instantly. The court imposed a small fine on the driver. Mansoor was not even mentioned in the judgement.

The World Day of Remembrance was initiated about 11 years ago by a number of non-governmental organizations and has since been embraced by organizations in various parts of the world. It is a day when we remember all those killed and injured in road crashes and express our thanks to the emergency services who are always the first to arrive at the site of a road crash, to the medical personnel whose task it is to revive, treat and rehabilitate the injured, and to the families who suffer grief because of the loss of a loved one and who unselfishly provide love and care to the injured.

The World Day of Remembrance is a chance to remember people like Faisal, Nauf, Aron, Lyndon, Mansoor and thousands of others, and to recognize the ways in which their deaths or injuries have affected individuals, families and communities. Operative paragraph 10 of the draft resolution invites Member States to recognize the third Sunday in November of every year as the World Day of Remembrance for Road Traffic Victims.

The additional sponsors of draft resolution A/60/L.8 are: Afghanistan, Albania, Armenia, Australia, Austria, Bangladesh, Brunei Darussalam, Cambodia, Canada, Chile, China, Croatia, Cuba, Cyprus, Djibouti, the Dominican Republic, Egypt, Germany, Greece, Guatemala, Guyana, Iceland, India, Indonesia, Ireland, Israel, Italy, Jordan, Lebanon, Luxembourg, Malta, Nepal, New Zealand, Nigeria, Panama, Peru, the Philippines, Poland, Portugal, the Republic of Moldova, Romania, the Russian Federation, Senegal, Slovenia, Spain, the Sudan, Switzerland, Timor-Leste, Tunisia, Turkey, Turkmenistan and Zambia.

I commend draft resolution A/60/L.8 for adoption by the General Assembly.

**Mr. Al-Kaabi** (United Arab Emirates) (*spoke in Arabic*): At the outset, I should like, on behalf of the delegation of the United Arab Emirates, to thank President Eliasson for his valuable efforts in directing the activities of the current session. I am confident that he will ably lead our deliberations on this important agenda item. I also wish to express our sincere appreciation to the Secretary-General for his important report (*A/60/181*).

Improving road safety is undoubtedly a crucial and urgent issue that requires immediate and decisive action. Traffic accidents are a leading cause of death among those aged 15 to 44. Each year, they kill more than a million people and disable several million others, resulting in tremendous human and material losses and negatively affecting the social and economic conditions of individuals and communities, particularly in developing countries, which are striving to achieve the Millennium Development Goals.

The United Arab Emirates commends the efforts of the United Nations and its various organs to address the global road safety crisis and recognizes that the implementation of road safety programmes in many developing and poor countries requires adequate financial resources. We therefore believe it imperative to strengthen international cooperation in all its forms, especially through the Organization's regional commissions and specialized agencies, in order to support the efforts of those countries and to provide them with the financial and technical assistance they need to build their capacities in the area of road safety.

Owing to the swift pace of development in the United Arab Emirates and to our easy access to automobiles as the preferred means of transport, we, like other countries, have seen an increase in the number of road accidents, especially among young people. Bearing in mind the devastating impact of such accidents on our society, the authorities of the United Arab Emirates have undertaken measures to address this serious crisis, including adoption and implementing international resolutions on road safety and taking the domestic measures necessary to reduce traffic accidents by 5.5 per cent annually. Those measures include the following.

First, in the area of preventive measures, we are building and maintaining a network of roads that conforms to international standards, using the latest technology in terms of traffic lights, road signs and instructions, cameras and traffic control radar systems. We are adopting driver safety laws establishing speed limits and a minimum driving age of 18, requiring the use of seat belts and setting out strict requirements for driver's licences. We are providing security officers of both genders with the necessary training to enable them to work on the police force and in traffic control, and we are increasing their presence on the roads.

We are promoting traffic awareness among individuals in society, especially among students in primary school, through media, educational lectures, contests, prizes and participation in national and regional conferences and annual events on traffic. We are also applying higher technical standards and specifications for vehicles to ensure their safety and operating condition.

Secondly, with regard to enforcement, we are instituting strict penalties for violators of traffic laws. They include fines, the suspension or revocation of driver's licenses and imprisonment. Stricter traffic laws and regulations are also being enforced on our roads.

Thirdly, with regard to rehabilitation, we are providing victims of road accidents with emergency and long-term medical care and rehabilitation services at hospitals and specialized centres.

Moreover, the Government is considering other transportation alternatives in order to reduce the use of private cars on roads as much as possible. That includes developing and putting in place new means of mass transportation in order to reduce traffic jams and accidents.

In conclusion, we hope that our deliberations will contribute to enhancing international cooperation in the area of combating this serious scourge in both developing and developed countries.

**Mr. Ng** (Singapore): I would like to express our deep appreciation to the delegation of Oman for its continuing efforts to bring the growing crisis in road safety to the attention of the international community. Singapore welcomes this opportunity to discuss the road safety crisis and supports the initiatives introduced at this and other global forums to tackle the crisis.

When the Jet Blue Airbus 320 landed safely at Los Angeles International Airport on 22 September, after having had trouble with its landing gear, our hearts rejoiced, as we felt for the passengers on board. Unfortunately, more often than not, we read headlines of plane crashes that kill hundreds of people. Disaster and investigative teams are activated and experts are mobilized to manage the aftermath of the tragedy, which often receives much attention in the subsequent days and weeks.

However, the higher number of deaths from road traffic injuries receives comparatively much less attention. Such incidents do not occur occasionally, but daily everywhere. Motor transport is no doubt viewed as one of the greatest inventions the world has seen. It has become a convenient element of modern life, but it is also one of life's greatest threats. According to the *2004 World Report on Road Traffic Injury Prevention*, which was produced jointly by the World Health Organization and the World Bank, more than 3,000 people die from road traffic injuries every day around the world, about 10 times more than any possible airplane crash. More alarmingly, such deaths in low-income and middle-income countries account for about 85 per cent of the total. According to the same report, if appropriate action is not taken, by 2020 road traffic injuries will climb to become the world's third leading contributor to disease and injury.

Road traffic accidents, and road fatalities in particular, remain a chronic problem in our world today. Each traffic accident is a terrible tragedy for the families and friends of the victims, as well as a loss to society. Apart from the death toll and human costs, the approximate annual worldwide financial cost of road accidents is estimated at $500 billion. That does not factor in the costs incurred by insurance and other

industries. It is further estimated that the costs of medical assistance, infrastructure-building, investigation and other expenses incurred as a result of road accidents amount to between 1 per cent and 3 per cent of a country's gross national product. That is significantly more than the total overseas development assistance provided to developing countries. While high-income countries are expected to continue to improve their road safety situation, by 2020 road traffic deaths are predicted to rise by more than 80 per cent in developing and transitional countries, especially in South Asia. Most of those who are killed in motor accidents are men under the age of 44 years, who are very often the sole breadwinners for their families.

More needs to be done to reverse those highly disturbing trends. The international community needs to build on the efforts and momentum of last year's World Health Day, which was dedicated to road safety, and accelerate our collaborative efforts to reduce traffic-accident-related injuries and deaths. It is only with greater awareness that we can address the crisis individually and collectively.

Everyone has a responsibility to keep our roads safe. In that regard, Singapore has always been active in the promotion of road safety, and has one of the lowest fatal and injury accident rates in the world. However, challenges remain, due to our aging population and the increase in the number of vehicles on our roads. In the last two decades, the Government has taken numerous steps to improve road safety in Singapore. With assistance from the Asian Development Bank, the Government of Singapore has developed a national road safety action plan. That action plan involves strategic collaboration between Government agencies, non-governmental organizations and the private sector, and is aimed at enhancing road safety through a five-E's approach: encouragement, emergency preparedness, engineering, education and enforcement.

In the area of encouragement, the plan involves setting up an effective road safety executive structure and a multidisciplinary working group to make strategic changes aimed at enhancing road safety in Singapore. The objective is to expand and strengthen coordination and participation by various major stakeholders.

Similarly, emergency preparedness is being given renewed focus, which involves better integration of efforts to provide swift and relevant medical intervention at traffic-accident sites.

In the area of engineering, experts from Singapore's land transport authority use up-to-date and comprehensive data systems and accident-trend analysis to incorporate safe practices into the planning, designing and managing of roads. Road conditions must meet the highest standards of maintenance. Advance equipment, such as the Expressway Monitoring Advisory System, working together with the broadcast media, provide real-time traffic alerts to motorists. The various engineering initiatives are financially costly, but critical in efforts to reduce potentially fatal accidents.

It is equally important for automobile manufacturers to constantly review their engineering processes and designs in the interest of promoting road safety. That was perhaps best summed up by none other than Mr. Katsuaki Watanabe, President of the Toyota Motor Corporation, when he introduced Toyota's new management team in June this year:

> "My dream of car making, for instance when it comes to the environment, is to make cars that can cross the American continent on just one tankful of gas, or cars that make the atmosphere cleaner the more we use them; and, in terms of safety, cars that do not cause accidents, cars that do not injure people or cars that make people healthier when they drive".

The fourth "E" relates to education. Road safety education is important for inculcating the correct mindset and road behaviour in all road users. Education is not just simply teaching the traffic rules, but making sure that the concept of road safety is conveyed clearly and that it is internalized. With good education, good daily habits are formed, which could save many lives on the road. The importance of road safety has to be ingrained in everyone. Over the years, the Government of Singapore, working with the private sector, has launched campaigns, road-safety talks, exhibitions and even videos promoting road safety. Despite the increased public awareness today, we cannot rest on our laurels.

The fifth, and final, "E" — enforcement — forms an integral part of road-safety management. Irresponsible driving leads to traffic accidents more than any other cause. Tough rules and penalties are required to deter traffic offenders. At times, the

Government of Singapore is obliged to take strong enforcement action to change the mindsets of road users and make them think twice before engaging in reckless or dangerous road behaviour. Irresponsible road users in Singapore face fines, the suspension of driving privileges and even jail terms.

With regard to excessive speeding, for example, statistics have shown over the years that speeding is the number one killer. To combat that situation, tough and clear laws were enacted a few years ago, whereby speed demons — that is, those who go over the speed limit by more than 40 kilometres per hour — are charged in court. They also stand to lose their licences for committing such offences. Mobile speed-laser cameras have also been introduced to enhance detection of those who speed. When our traffic police stepped up its speed enforcement in the middle of last year, it raised some public anxiety as to whether the police were being overzealous in their efforts. But, with good public education and assurances from the police, motorists do realize that the objective of the exercise was to save lives, especially those of vulnerable road users such as motorcyclists and pedestrians, and in particular those of children and elderly persons.

Our hectic modern-day lifestyles often breed in us a spirit of impatience. That impatience will cause some to drive inconsiderately, others to overtake dangerously and yet others to speed excessively. Society has always retained a basic faith in the power of education to change human behaviour. As long as this is so, and as long as undesirable human behaviour is an important cause of traffic accidents, education, complemented by enforcement measures, adequate infrastructures and sound collaborative efforts, will be the key to reducing road casualties.

**Mr. Poojary** (India): At the outset, we wish to thank the Secretary-General for his note transmitting the report prepared by the World Health Organization on the global road safety crisis, in accordance with General Assembly resolution 58/289 of 14 April 2004. We would also like to express our appreciation to the delegation of Oman for its continued efforts in support of this agenda item.

The report informs us that road traffic incidents are a major public health problem and a leading cause of death and injury around the world. Each year, nearly 1.2 million people die and millions more are injured or disabled as a result of road crashes, mostly in urban areas of developing countries. In many instances, road accidents rob poor families of their breadwinner. In addition to the enormous economic and social costs to individuals, families and communities, road traffic injuries place a heavy burden on national health services, in particular those of developing countries.

India, as a country that has a vast road network of more than 3 million kilometres and where road traffic is growing at the rate of 7 to 10 per cent per annum, attaches great importance to addressing the problem of road traffic safety and to reducing the adverse consequences of traffic accidents. Indian roads carry 80 per cent of the country's passengers and 60 per cent of its freight traffic. The highways, which constitute only 2 per cent of the road network, carry 40 per cent of that traffic.

For many years, India lagged behind many countries in the development of highways. However, in recent years, a concerted effort has been undertaken through new institutional arrangements and improved highway engineering to advance the highway infrastructure in India.

Under the National Highway Development Project (NHDP), 14,279 kilometres of national highways are to be converted to four to six lanes, at a total estimated cost of 6.5 trillion rupees or approximately $151 billion, at 2004 prices. That project involves, first, the Golden Quadrilateral, connecting the four major cities of Delhi in the north, Mumbai in the west, Chennai in the south, and Calcutta in the east; secondly, the north-south and east-west corridors connecting Srinagar in the north to Kanyakumari in the south, and Silchar in the east to Porbandar in the west; and, thirdly, port connectivity and other projects.

The Pradhan Mantri Gram Sadak Yojna — the Prime Minister's Rural Road Plan — was launched in December 2000 to provide rural connectivity to unconnected habitations in rural areas by the end of the tenth Plan period, in 2007. The rehabilitation and upgrading of about 10,000 kilometres of existing national highways to a four-lane dual carriageway configuration on a Build-Operate-Transfer (BOT) basis is proposed under phase III of the Project.

An accelerated North-East Road Development Project is also under consideration for the development of roads in the northeastern region. The fourth phase of

the NHDP is a new initiative meant to provide balanced and equitable distribution in terms of improving and widening the highway network throughout the country. That will be done by upgrading 21,000 kilometres of single-lane roads to two-lane highways and by constructing paved shoulders.

We believe that this enhanced focus on improving the road and highway infrastructure in the country will not only help the development of the country but also lead to a reduction in road congestion, which will help reduce the number of accidents on the road. We hope and believe that, eventually, such an improved road infrastructure will also serve to improve road safety in the country.

The Ministry of Road Transport and Highways has been entrusted with the responsibility of formulating policies for road safety in India. It compiles data on road accidents and prepares annual road safety plans. The various initiatives being implemented include publicity campaigns, grants in aid to non-governmental organizations (NGOs) for organizing road safety programmes and creating awareness; a national highway accident relief service scheme; refresher training for heavy-vehicle drivers; and the setting up of model driving training schools.

Publicity programmes include the printing of calendars and advertisements on the radio, on television and in other mass media. A road safety week is organized annually to raise awareness of these issues. The sixteenth Road Safety Week was observed throughout India from 3 to 9 January 2005, with the theme "Road Safety Is No Accident", which is also the theme chosen by the World Health Organization in declaring 2004 as Road Safety Year.

To generate awareness among schoolchildren, essay competitions on road safety are organized. More than 43,000 drivers are being trained through NGOs and local institutions under the scheme of refresher training for heavy-vehicle drivers in the unorganized sector. Awards have also been instituted at various levels to recognize important contributions made to road safety.

The linkage between poverty and underdevelopment on the one hand and road safety on the other has been underlined by the Secretary-General in his earlier reports. The Secretary-General's report this year (A/60/181) identifies a number of strategies and policies that could contribute to a decrease in road crashes. One aspect that could be studied in this regard is the aspect of punishment for rash and negligent driving. While this issue falls purely in the framework of national jurisdiction, WHO could make an assessment of the need for advocacy in that regard.

The report states that the international community must take the lead by assisting countries in identifying road safety interventions that have been shown to be effective and in implementing them in their own countries in a manner that is appropriate to each cultural setting. That cannot be done in a purely mechanical manner.

Given this scenario, the imperative for increasing international cooperation to assist developing countries to effectively address issues of road safety cannot be overemphasized. We appreciate the efforts being made in that regard through the World Health Organization. We would like also to acknowledge the work done by the regional commissions of the United Nations, particularly the Economic and Social Council for Asia and the Pacific.

We note from the report that initiatives have been envisaged to assist developing countries on road safety, including by the World Bank. However, we note also that mobilizing resources remains a concern for many organizations involved in global and national road safety efforts, as the level of funding targeted at reducing road traffic injuries is far from commensurate with the scale of the problem.

Further international cooperation needs to extend beyond the development of international instruments or the universalization of standards that may have been developed in one region. We are particularly satisfied that the resolution to be adopted today recognizes the importance of supporting the developing countries in building capacities in the field of road safety and providing them with financial and technical support for their efforts.

**Mr. Xie** Bohua (China) (*spoke in Chinese*): The Chinese delegation would like to thank the Secretary-General for transmitting the report of the World Health Organization (WHO) on the global road safety crisis (*A/60/181*). We also thank the Government of Oman for its contribution in promoting consideration of the issue by the General Assembly. We are pleased to once again be a sponsor of the draft resolution proposed by Oman.

Road traffic injuries have become an ever more serious public health problem. Every year nearly 1.2 million people die and 50 million more are injured or disabled as a result of road accidents, which cause losses of more than $500 billion, including approximately $65 billion in developing countries, twice the amount those countries receive yearly in official development assistance. According to WHO projections, unless effective measures are taken, by 2020 road traffic injuries could rank third among the threats to human health, with serious economic and social consequences for all nations, particularly the developing countries. Reducing road traffic accidents is important for poverty eradication, the reduction of child mortality and sustainable development and should receive great attention from the international community.

In the process of developing road transport, many countries will go through a period with high rates of road traffic accidents. The main reason is that during rapid economic development the conditions of road transport and its management, as well as human behaviour, often cannot adapt to the rapid increase of motorized vehicles. That phenomenon can be considered a frustrating by-product of economic development.

However, as rightly pointed out by the WHO *World report on road traffic injury prevention*, road traffic injuries can largely be prevented and controlled through rational analysis and counter-measures. Countries should make joint efforts to improve road safety by exchanging experiences, learning from one another, and applying best practices. As a result of economic development constraints, developing countries tend to suffer far greater losses due to road traffic injuries than do developed countries. There is an urgent need to improve the infrastructure and management of road transport in developing countries. The international community should provide more assistance in terms of funding, technology and training.

China's sustained economic development has also brought significant developments in its road construction. China now has 30,000 kilometres of highways, and the number of privately owned vehicles continues to grow. At the same time, China is among those countries prone to road traffic accidents, especially serious accidents with heavy casualties. The underlying causes for that problem are scant awareness of road safety laws and regulations, poor road conditions and traffic environment and inadequate management.

The Chinese Government attaches great importance to road traffic safety. Its Road Traffic Safety Act came into force on 1 May 2004. With the primary objective of human safety, the new law institutionalizes various preventive measures by making them legal requirements. As a result of its implementation, numerous positive results have already been achieved over the past year. In 2004, there were 567,753 road traffic accidents in China, causing 99,217 deaths, 451,810 injuries and 2.77 billion yuan in direct property losses. Compared with 2003, the year 2004 saw a significant 14.9 per cent reduction in road traffic accidents, a 4.9 per cent decline in fatalities, an 8.6 per cent drop in injuries and a 17.6 per cent decrease in property losses. Its record low fatality rate in 2004 of 9.2 deaths per 10,000 cars placed China, for the first time, among countries with a single-digit fatality rate. We are convinced that through the joint efforts of the Chinese Government and people, significant improvements will continue to be achieved in road safety in China.

**Mr. Maksimychev** (Russian Federation) (*spoke in Russian*): The Russian Federation attaches great importance to the question of ensuring traffic and road safety and welcomes this discussion in the General Assembly. We believe that the United Nations should play an increasingly important role in the development and coordination of multilateral cooperation in this area. It is particularly important to pool the experiences of countries to analyse the trends, the causes and the consequences of road traffic accidents in order to articulate strategies and recommendations to enhance public awareness, as well as to provide technical, expert and, where necessary, financial assistance in order to enhance that potential.

It is of key importance to further develop and improve the relevant international and national legal instruments. In that context, we very much appreciate the report of the Secretary-General (*A/60/181*) on progress in the implementation of General Assembly resolution 58/289. We believe that it contains a very useful survey of the steps taken by the United Nations system in the area of road safety.

On the whole, we support the conclusions and the recommendations contained in the report. We believe that the creation of the Working Party on Road Traffic

Safety as part of the United Nations system was a timely measure. On the whole, we agree with the mandate of the Working Party as set forth in the report. We commend its activities and expect that it will come up with further concrete, practical results.

It is important that the World Health Organization continue its successful coordinating activities on road safety issues in the United Nations system.

We also believe that the United Nations regional economic commissions play an important role in helping to promote road safety. We commend the active work of the Economic Commission for Europe (ECE), which deals with a total of 11 international conventions and protocols that regulate traffic rules, road signs and signals and questions relating to the state of road transport infrastructure.

On 20 September this year, the Working Party on Road Traffic Safety and the Inland Transport Committee of the ECE, under the chairmanship of the Russian Federation, decided on amendments to the 1968 Vienna Conventions on Road Traffic, Road Signs and Signals. In accordance with established procedures, those amendments will come into force for the parties to the Conventions on 28 March 2006. We believe that what is being accomplished by the Working Party is a very successful example of specific, multilaterally agreed practical measures aimed at improving international legal norms in the area of road safety. We believe that the implementation of those measures at the national level by the parties to the Convention will help to reduce the number of accidents and injuries on the roads.

We are convinced that, in spite of the importance of international cooperation in the area of road safety, the responsibility for reducing the number of traffic accidents and injuries ultimately lies with national Governments and with municipal and local authorities. In the Russian Federation, we have taken steps at all levels of authority to reduce the number of road accidents. We are carrying out planned efforts to improve our legislation in this area, particularly by strengthening the laws establishing responsibility for traffic law violations.

In Russia, we are actively exploring and implementing the most effective ways to reduce the social and economic consequences of accidents. At the federal and regional levels, we are elaborating comprehensive measures aimed at ensuring transport safety, preventing accidents involving children in schools and preschools, improving the traffic flow in cities and bringing public transport technologically up to date. We are also cooperating with the United Nations Development Programme in this area.

Those measures have thus far yielded positive results. In the first half of this year, there have been 5.4 per cent fewer fatal accidents, 16.8 per cent fewer accidents caused by drunk driving and 4.7 per cent fewer accidents caused by pedestrians compared with the same period in 2004.

In conclusion, we would like to express our gratitude to the delegation of Oman for its efforts to prepare the draft resolution A/60/L.8, entitled "Improving global road safety", which was agreed upon in informal consultations. The Russian Federation supports the draft resolution and has become a sponsor.

**Mr. Boonpracong** (Thailand): First of all, I wish to express my delegation's appreciation of the fact that the issue of global road safety has once again been given the attention it deserves. Each year, nearly 1.2 million people die and millions more are injured or disabled as a result of road accidents, despite increasing awareness concerning that preventable scourge. I also wish to express my delegation's appreciation to the Director-General of the World Health Organization for his eminent role as coordinator of road safety, to the Secretary-General of the United Nations for his report on this agenda item (*A/60/181*) and to the Permanent Representative of Oman for his continuing work and for his relentless efforts throughout the process of preparing the draft resolution before us.

In the statement by my delegation at the 84th meeting of the fifty-eighth session, we highlighted the importance of concerted efforts and commitments at all levels. Therefore, it is highly encouraging that since our discussion of this issue in April 2004, considerable progress has been achieved in mobilizing much-needed international support and broader involvement on the part of all stakeholders.

In that regard, Thailand welcomes in particular the establishment of the United Nations Road Safety Collaboration, which has already held two consecutive meetings, and commends its useful work on the online global road safety legislation database as well as its ongoing cooperation with its partners to produce a series of "how to" manuals that will provide guidance

to countries on how to implement some of the recommendations identified in the *World report on road traffic injury prevention*.

My delegation also notes with appreciation the efforts of the Economic Commission for Europe Working Party on Road Traffic Safety to revise the consolidated resolutions on road traffic and on road signs and signals. What makes that exercise noteworthy is the fact that it takes into account the situations in as many countries as possible so that the resolutions can be implemented throughout the world. It is our earnest hope that those revisions will be a useful tool for both parties and non-parties to the 1968 Conventions on Road Traffic and Road Signs and Signals.

The Royal Thai Government attaches great importance and thus accords high priority to the issue of road safety, because we suffer tremendous losses in terms of human lives, property and human capacity as a result of road accidents each year. In December 2003, traffic injury prevention was declared a national objective. We are also concerned about the increasing number of accidents involving young drivers and drunk drivers, which are alarmingly frequent.

In that regard, the Road Safety Operations Centre of Thailand, with cooperation from the media and the public health community, has imposed a partial ban on television alcohol advertising between the broadcasting times of 5 a.m. and 10 p.m. The Centre has also succeeded in prohibiting athletes and celebrities — whose behaviour is always emulated by young people — from taking part in alcohol advertisements. Additional measures are the establishment of the "Don't Drive Drunk" task force and the implementation of traffic injury prevention programmes in school to promote public awareness of traffic injury prevention, especially among young people.

Another area of concern to my Government is the road-related death toll during festival periods, which has been particularly high during the new year festival and the traditional Thai new year festival in April. To tackle that problem, Thailand's Ministry of Public Health adopted several measures in 2003, including the establishment of a temporary rapid reporting system, the announcement of the numbers of road deaths and injuries during those festivals and the dissemination of that information through the mass media, as well as the allocation of additional financial resources to support police checkpoints during festivals.

When the campaign was first launched, the targeted reduction was not achieved, because during the 2003 festivals the death toll was only 1 per cent less than that in the previous year. Despite that discouraging result, however, the Thai Government remained relentless in its efforts and chose to adopt a new and even bolder strategy, called the "five E's" — namely, enforcement; engineering, which focuses on improving road conditions; education; emergency medical service; and evaluation and information. The number of road traffic deaths was reduced by 22.8 per cent during the traditional Thai new year in April 2004. The strategy was implemented again during the 2005 holidays, this time with more encouraging results, as the number was decreased by 25 per cent.

That experience reaffirmed our belief that consistent political commitment and strict enforcement of traffic laws at all levels, as well as public support and involvement, are critical if road safety initiatives are to have the intended results.

While close coordination and collaboration on the part of all relevant sectors of society at the national level have proved to be powerful tools in road accident prevention in Thailand, I am confident that far greater success can be collectively achieved at the international level with greater involvement and contributions by all stakeholders in the international community. Therefore, my delegation wishes to reiterate its appeal to all Member States to make their best efforts to tackle road safety problems. In particular, we would like to urge Member States, international organizations and regional commissions possessing expertise on road safety to continue sharing their best practices and knowledge and to provide technical and other necessary assistance to other countries that need it so as to supplement their endeavours in that regard.

For many countries, the lack of financial resources is a major obstacle to efforts to increase road safety. Mobilizing resources therefore remains a challenge which requires attention and action. In this regard, Thailand welcomes the study by the World Bank on the establishment of a global road safety facility, which aims to create a fund to support those areas of global road safety for which resources are limited. Another commendable effort is the global road

safety initiative, a partnership of seven private companies, launched in December 2004, which aims to reduce road traffic fatalities in developing countries. Thailand believes that that is an area where partnership is still required and should be further strengthened, with the full involvement of all sectors of society at all levels, if we want global road safety to be a truly global agenda, with global achievement for all.

Last but not least, my delegation wishes to support the recommendations made in the report before us which, first and foremost, remind us to reaffirm our commitments to addressing the global road safety crisis. As raising awareness is critical to maintaining the momentum generated by the global road safety events of 2004, Thailand supports the proposal to designate the third Sunday in November as the World Day of Remembrance for Road Traffic Victims, to organize jointly, through the United Nations regional commissions and the World Health Organization, the first United Nations Global Road Safety Week, and to convene, as a part thereof, a second Road Safety Stakeholders' Forum.

The recent developments highlighted in the report of the Secretary-General gives us hope. Given the growing awareness and commitment, and with the continued efforts of all, I am confident that global road safety is a goal that we all can attain.

**Mr. Savua** (Fiji): My delegation would like to thank the Secretary-General for having transmitted to the Assembly for consideration the report entitled "The global road safety crisis: progress on the implementation of General Assembly resolution 58/289". We also commend the efforts of the World Health Organization in carrying out consultations with partners and stakeholders and incorporating the findings and recommendations into the report for Member States to discuss.

The report tells us that about 1.2 million people die annually and millions more are injured or disabled as a result of road accidents. Most of those accidents occur in urban areas worldwide, and statistics show that accidents are more frequent in developing countries. The *World report on road traffic injury prevention*, launched last year, shows that road accidents are the second most common cause of death for people between the ages of 5 and 29, and the third most common cause of death for people between the ages of 30 and 44. People in the latter group, in particular, actively contribute to national economies, and such deaths result in loss of income for their families and loss of skills and labour for the national labour market. The global economic costs of road traffic injuries amount to approximately $518 billion per year, of which $110 billion is borne by developing countries.

The report forecasts that there will be an 80 per cent increase in traffic fatalities in low- and middle-income countries by 2020 if preventive measures are not taken immediately. For Fiji, casualties sustained in road traffic accidents increased by 9 per cent in 2004, as compared with 2003, while fatalities remained constant during the same period. In this regard, we acknowledge the work of the United Nations Road Safety Collaboration, whose main goal is to facilitate international cooperation among United Nations agencies and other international partners to implement General Assembly resolution 58/289 and the recommendations of the *World report on road traffic injury prevention* in support of national road safety programmes.

My delegation believes that more can be done, provided that funds are available for national programmes and initiatives to be implemented. The road traffic accident data report plays a major role in the road safety planning and action of major stakeholders in Fiji. Major development plans have been based on the report. The effectiveness of the measures that are in place, as well as those yet to be implemented, can be evaluated through the maintenance of proper traffic accident data records. The Fiji Police Microcomputer Accident Analysis Package (MAAP) has maintained such data since 1994. The MAAP was made possible by funds provided by the Asian Development Bank.

In the past few years, there has been an increase in the number of vehicles operating in Fiji. That has put a tremendous strain on our roads, which has been exacerbated by high rainfall, flooding and landslides. Consequently, there has been a related increase in the number of road accidents and casualties. Road maintenance and upgrades cost the Government $25 million annually. In this regard, we welcome the initiative of the World Bank to look into the establishment of a global road safety facility, which would help to create funds in support of developing countries' road safety plans.

Fiji has a programme in place to resolve road safety problems which we hope will address the factors that have been identified in the Secretary-General's report as reducing the risk of traffic-related injuries. The programme, which has a number of strategic focus areas, will assist road users in curbing road accidents.

The focus on safer roads will enable us to deal with the need to improve road design, construction and management. This includes the adoption of safety promoting designs, construction, rehabilitation and upgrading procedures in land-use planning and improvements in road networks. Those are regarded as basic prerequisites to tackle the road safety problem in Fiji. Greater emphasis is placed on the safety of road users and the provision of appropriate facilities to improve their safety status.

Our policy is geared towards safer driving focuses on driver testing and training, and emphasizes the responsibility of both drivers and passengers. As a result, more effective methods of driver training, including compulsory training courses for beginners and improved defensive driving techniques designed to improve drivers' ability to perceive and avoid risks, have been introduced.

The focus on the safety of vehicles addresses the need for effective control of vehicle design, construction, operation and maintenance standards. It also addresses the means by which such standards can be implemented in order to reduce the adverse effect of poor vehicle conditions on road users and on road infrastructure. We have established an enforcement regime for appropriate vehicle safety standards so as to promote increased responsibility with regard to importing, selling and operating unsafe or non-road-worthy vehicles and to fostering vehicle safety.

In our statement last year, we mentioned that children are more vulnerable and more prone to road accidents. In Fiji children aged 15 and younger accounted for 16 per cent of total casualties and 19 per cent of fatalities. For that reason, a lot of emphasis has been placed on children's traffic education in pre-schools, primary schools and secondary schools so as to inculcate traffic safety awareness in children. We also include tertiary education so as to ensure that safety awareness can be raised among future teachers, technicians, engineers and planners, who will be contributing to infrastructure development in Fiji.

The main cause of traffic accidents is human error. That can be rectified through the dissemination of information through training, capacity-building and the provision of resources so as to facilitate the implementation of internationally agreed conventions and resolutions. We welcome the proposal for the first United Nations global Road Safety Week in 2007, which will target young road users. My delegation also supports the call to designate the third Sunday in November as the World Day of Remembrance of Road Traffic Victims in memory of the victims and the loss and suffering sustained by their families.

Road safety is everyone's responsibility and we must all play our part to support this global cause for the sake of present and future generations.

**Mr. Wee** (Malaysia): Let me begin by expressing our appreciation to the World Health Organization (WHO) for presenting a thorough and comprehensive report on global road safety (*A/60/181*) with its long list of recommendations. The report provides us with useful information, especially on the activities that have been undertaken following the adoption of resolution 58/289 in April 2004.

We are pleased to learn about the creation of the international road safety organization known as the United Nations Road Safety Collaboration. We are also encouraged by the participation of many United Nations agencies, including UNICEF, the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme and the World Bank, as well other non-governmental bodies and donors, in the initiative. That is reflective of the broad support and attention given to the need to tackle the question of road safety.

It is very disturbing to be reminded that road traffic injuries continue to pose a major public health problem and are a leading cause of death in many countries, especially in the developing world. The fact that every year an average of 1.2 million people die and millions more are injured or disabled, mostly in urban areas of developing countries, should be a matter of grave concern to all of us. Such grim statistics definitely demand urgent attention and concerted efforts by the international community aimed at tackling and reversing the situation, as road traffic injuries are largely preventable.

The destructive and multi-dimensional impact of deaths, injuries and disabilities on the economic and social well-being of our societies is well documented and needs no further elaboration. The loss of human life and the disabilities caused by road traffic accidents are hard to accept, especially knowing that they are preventable. It is even more devastating to look beyond the statistics of death and injuries to the traumatic and emotional impact of disabilities and the loss of life on family members of the victims. Road traffic accidents have generated enormous economic cost and placed a heavy burden on national health services, particularly those of developing countries.

The Government of Malaysia attaches serious attention to the problem of road traffic death and injury. Road accidents are one of the major causes of death and injury in Malaysia. Despite the many efforts undertaken by the Government to enhance road safety, over 300,000 cases of road traffic accidents were reported in 2004, compared with 290,000 cases in 2003, at an average of 895 accident cases per day in 2004 throughout the country. Those accidents resulted in the loss of 6,000 lives last year. This phenomenon is said to consume an estimated 6 billion Malaysian ringgit, or $1.5 billion, resulting from loss of productivity, medical costs, management costs and property damage, among others.

However, it has been noted that the fatality rate from accidents decreased to 17 per cent in 2004, compared to 2003. That decrease was largely attributed to the Government's unwavering efforts and its commitment to addressing the problem in the interest of saving lives.

Malaysia has indeed taken serious measures to improve road safety and reduce fatalities. In 2004, the Government placed the issue of road safety on the national agenda. Under that initiative and in order to give specific attention to road safety, a separate department for road safety was established in September 2004 to address the issue. The department was created to scrutinize all the efforts and activities on the part of Government agencies and non-governmental organizations in Malaysia and to formulate strategies and recommendations aimed at reducing road traffic accidents.

At the international and regional levels, Malaysia continues to be an active partner in the Global Road Safety Partnership under the aegis of the World Bank, the World Road Association, the Association of Southeast Asian Nations (ASEAN) Land Transport and Safety Committee, the Road Engineering Association of Asia and Australasia and the ASEAN sub-working group on road transport and road safety.

Malaysia welcomes the role of the United Nations, especially the initiative of the Assembly to relentlessly increase the awareness around the globe on the need to address the issue of road traffic fatalities as a global public health and a development problem. We support the involvement of the regional commissions, as well as other international agencies, to address the issue of road safety and assist national Governments in instituting measures aimed at enhancing road safety in their respective countries.

In that connection, we support many of the recommendations presented in the WHO report to the Assembly, which, we believe, will be able to contribute to the promotion of road safety, particularly in developing countries. We feel that the list of proposals and recommendations enumerated in the report was not exhaustive and that it would, therefore, be useful for Member States to continue to exchange ideas based on our respective experiences in dealing with the issue of road safety in our countries.

It is also important for the General Assembly to pay attention to the question of providing financial resources and technical assistance to the countries in need of such assistance in order to enable them to develop the necessary infrastructure to avoid or minimize road traffic accidents. Assistance is also needed to finance awareness campaigns among the population on road safety. Such assistance could, we believe, possibly save millions of lives and prevent unnecessary injuries.

Road safety is a very important issue that continues to affect each and every one of us in one way or another. Unfortunately, however, in many instances the issue has not been given due attention. Road traffic accidents are predictable and therefore preventable. In order to combat the problem, there needs to be close coordination and collaboration, using a holistic and integrated approach. Malaysia wishes to reiterate that the United Nations should continue to play a major role in addressing this highly preventable but deadly public safety issue.

**Mr. Southcott** (Australia): Australia recognizes the need for a strong international response to global

road trauma and is delighted to support the draft resolution. We also wish to acknowledge the important coordination role played by the World Health Organization and the valuable framework for road safety action provided by the Organization's global report on road traffic injury prevention (A/60/181).

Road safety has a high profile in Australia and is a prominent focus of public policy at all levels of Government. At the national level, we have a strategic approach that embraces many of the principles advocated in the global report, including setting challenging and measurable targets, monitoring outcomes, developing action plans based on thorough research and analysis and encouraging cross-sectoral cooperation.

The road toll in Australia is now one third of what it was in the 1960s. Over the last 35 years, the approaches that have been taken have included the mandatory use of seat belts and public education campaigns focusing on the dangers of drink driving, speed and fatigue in causing accidents. On public holidays, emergency workers and health professionals undertake a media campaign to make people aware of the particular dangers that occur during these periods, when great numbers of people take to the roads. The road infrastructure has been improved through greater use of overtaking lanes, and on certain highways such as dual-carriage freeways.

Australia's current goal is a 40 per cent reduction in the per capita fatality rate over the decade to 2010. We have taken a broad-based approach to our task, recognizing that substantial gains can only be achieved through a range of measures that address different parts of the road transport system.

For example, we have road investment strategies that accommodate both large road construction projects and highly targeted "black spot" projects. We are improving the safety of our vehicle fleet through long-term research and development programmes as well as ongoing consumer awareness campaigns, and we are encouraging safer road user behaviour through a combination of intensive enforcement efforts, graduated licensing arrangements and public education campaigns.

I am pleased to report that Australia has made good progress in the first four years of its 10-year strategy. Between 2000 and 2004, our national fatality rate declined by 17 per cent, well on track towards achieving our 2010 target. But maintaining the momentum is becoming increasingly difficult. There are already signs that we need to examine new ideas and adopt better practices if we are going to fulfil our objective.

Australia is keen to learn from the experiences of other countries. There is an enormous amount of road safety activity around the world and a great deal of accumulated knowledge to draw upon. We have always valued the opportunity to exchange information with our international colleagues and to collaborate on issues of common interest. We encourage others to take a similar view. In that context, Australia acknowledges and applauds the draft resolution's reaffirmed commitment to international cooperation on road safety.

**Mr. Hannesson** (Iceland): I would like to thank the Secretary-General for the progress report on the implementation of resolution 58/289 (*A/60/181*). I would also like to pay tribute to Oman for its determination, over a number of years, in bringing attention to a serious threat to personal security in the world.

The seriousness of the issue is clear from the statistics. Nearly 1.2 million people die every year in traffic accidents — that figure is comparable to death rates from malaria or HIV/AIDS, as previous speakers have pointed out. At the same time, the solution to the problem involves, to a large extent, persuading motorists — many of us — to change our behaviour.

Iceland has taken seriously the recommendations of the *World report on road traffic injury prevention*. Unlike many other countries, in Iceland the large majority of road accident fatalities do not occur in the city. Indeed, the accident rate in built-up areas has declined significantly over recent years, while three fourths of fatal accidents now occur in the countryside.

Studies have confirmed other findings that attribute road accidents to a number of key factors, including speeding, driving under the influence of alcohol or drugs, failure to use seat belts and poor infrastructure. In the light of that information, the Icelandic Ministry of Transport has developed a four-year road safety improvement strategy which started last spring.

Thirteen thousand kilometres of roads stretch across Iceland, which has a population of 300,000.

This means that resources need to be targeted carefully when improving road infrastructure. A cost-benefit system is thus used to assess where improvements are most urgent.

Last summer the Government of Iceland launched an initiative to reduce speeding and to improve seat belt use on rural highways. A contract was drawn up with the police to double their surveillance on those issues. In addition, special cameras were installed in certain police vehicles. The campaign was carried out from June to September, as that is the time when roads are busiest. First results from that initiative have been very positive. Average speed appears to have fallen — it is calculated that a drop of one kilometre per hour average speed means a 3 per cent drop in the accident rate.

The Icelandic authorities are now preparing a similar campaign against driving under the influence of alcohol and drugs, which will be applied year round. Also in preparation is the establishment of a network of automatic speed cameras, a longer-term project that requires both technical preparation and possibly new legislation.

We know that the deaths of 1.2 million individuals, however tragic, are only the tip of the iceberg of suffering caused by traffic accidents. Traffic accidents have a major economic impact on many families and thus on many national economies. Iceland is again proud to be a sponsor of the draft resolution, A/60/L.8, introduced earlier today by my friend, Ambassador Fuad Al-Hinai.

**Mr. Suárez Salvia** (Argentina) (*spoke in Spanish*): The Argentine delegation has followed the leadership of the Sultanate of Oman through its Mission here in the United Nations in the Organization's consideration of the topic of road safety. As the statistics reveal, the phenomenon remains a genuine public health crisis and affects, in particular, the most vulnerable populations in developing countries.

There is an alarming projection by the World Health Organization that shows that if we do not urgently act jointly, on a global level, by the year 2020, road accidents may be the third cause of death and disability, along with malaria, tuberculosis and HIV/AIDS. Many studies from different perspectives have tried to promote and encourage greater cooperation, innovation and commitment to improve road safety throughout the world. While the factors involved in road safety are many, all those studies coincide in highlighting human, mechanical and infrastructure causes as crucial.

It is true that many sectors have an important part to play in preventing deaths or injury caused by traffic accidents; hence the need to work together with civil society, the private sector and the academic community. When a lack of skill, imprudence or fate takes a life, that reminds us that in spite of the progress achieved by collectively tackling the issue of road safety, both within and outside the United Nations system, the issue is still far from being considered a fully accomplished task.

Funding to reduce injuries caused by traffic accidents is not commensurate with the scope of the problem and is generally not enough to carry out the necessary awareness campaigns or set up the required machinery to supervise, evaluate and monitor results.

As stated in paragraph 2 of the report of the Secretary-General (*A/60/181*),

> "The international community must take the lead by assisting countries in identifying road safety interventions that have been shown to be effective and in implementing them in their own countries in a manner that is appropriate to each cultural setting".

In my country, Argentina, each province can, in accordance with a constitutional mandate, draft its own traffic legislation. In order to avoid overlapping of standards among the provinces, the National Congress, where the provinces are represented at the Senate level, enacted the National Traffic Law in 1995, supported by all the provinces. This law serves as a legal context and empowers the national authorities to exercise control in traffic matters exclusively on national roads with regard to all matters related to the physical structure, maintenance, control of concessions and permissible carrying weights. Local authorities — provincial or municipal — exercise direct control over all other aspects related to road traffic.

The substantial and active participation of Argentine civil society in this field — its contribution is very broad-ranging and important — is chiefly channelled through road traffic education at all levels.

The fact that this forum has decided to discuss this issue and that the number of sponsors in support of

the draft resolution keeps increasing shows the considerable acceptance by the Member States of the fact that, if we are to find a solution to this crisis, good will and commitment at the political level are indispensable.

The part States will play at all levels is crucial to achieve road safety. We support this draft resolution and the various recommendations contained in the report of the Secretary-General (document A/60/181) in order to accelerate the implementation throughout the world of activities relating to road safety. If we follow these recommendations, we might save more than five million lives over the next 15 years.

**The Acting President**: We have heard the last speaker in the debate on this item.

The Assembly will now take a decision on draft resolution A/60/L.8, entitled "Improving global road safety".

Before proceeding to take this decision, I should like to announce that, since the introduction of the draft resolution, the following countries have become sponsors of A/60/L.8: Belgium, France, Jamaica, Libyan Arab Jamahiriya, Madagascar and Yemen.

**Mr. Al-Humaimidi** (Iraq): My delegation would like to join in the sponsorship of draft resolution A/60/L.8.

**Ms. Davtyan** (Armenia): I would just like to note that my delegation also wishes to join the list of sponsors for this draft resolution.

**Mrs. Pinto Lopes D'Alva** (Guinea-Bissau): Our delegation would like to join the list of sponsors for draft resolution A/60/L.8.

**Mr. Filgueiras Rivero** (Cuba) (*spoke in Spanish*): Our delegation would also like to add its name to the list of sponsors of the draft resolution.

**The Acting President**: I would now request the delegations concerned to approach the Secretariat and sign the necessary forms.

May I take it that the Assembly decides to adopt draft resolution A/60/L.8?

**Mr. Suárez Salvia** (Argentina) (*spoke in Spanish*): Before taking action on the draft resolution, I would like to make a few amendments to the Spanish version, with your permission.

**The Acting President**: I would request the representative of Argentina to approach the Secretariat to submit in the amendments.

May I take it that the Assembly is now ready to adopt draft resolution A/60/L.8?

*The draft resolution was adopted* (resolution 60/5).

**The Acting President**: May I take it that it is now the wish of the General Assembly to conclude its consideration of agenda item 60?

*It was so decided.*

*The meeting rose at 12.30 p.m.*

United Nations A/60/PV.39

General Assembly
Sixtieth session

Official Records

39th plenary meeting
Thursday, 27 October 2005, 10 a.m.
New York

*President*: Mr. Eliasson ..... (Sweden)

*The meeting was called to order at 10.15 a.m.*

**Agenda item 74**

**Report of the International Court of Justice**

**Report of the International Court of Justice (A/60/4)**

**Report of the Secretary-General (A/60/330)**

**The President**: May I take it that the General Assembly takes note of the report of the International Court of Justice for the period 1 August 2004 to 31 July 2005?

*It was so decided.*

**The President**: In connection with this item the Assembly also has before it the report of the Secretary-General (*A/60/330*) on the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice.

It is now my honour to call on Mr. Shi Jiuyong, President of the International Court of Justice, to introduce the Court's important report.

**Mr. Shi Jiuyong**: It is a privilege and an honour, in my capacity as President of the International Court of Justice, for me to address the General Assembly, for the third time, on the occasion of its examination of the Court's report for the period 1 August 2004 to 31 July 2005.

Year after year, the General Assembly has demonstrated its interest in, and support for, the Court by inviting its President to present to the Assembly a review of the Court's activities and achievements. Members of the Court are very grateful for this opportunity. The Court indeed views the close exchanges between these two principal organs of the United Nations as a guarantee of the successful accomplishment of their respective tasks and of the aims of the Organization.

It is also a particular pleasure to address the Assembly today under the presidency of Mr. Jan Eliasson of Sweden, to whom I offer my warm congratulations on his election as President of the sixtieth session of the General Assembly. He has my most sincere wish for every success in his office. I should like to commend him for his long-standing and active commitment to the goals of the United Nations, and I applaud his determination to carry the process of reform of the Organization through its sixtieth anniversary and to ensure the follow-up and implementation of the principles agreed on in the 2005 World Summit Outcome document.

The Court has transmitted its annual report (*A/60/4*) to the Assembly, along with an introductory summary. As the report is somewhat lengthy, I trust that the following résumé will provide a useful overview of its essential elements.

As I reported last year, 191 States are parties to the Statute of the Court, and 66 of them have accepted

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the compulsory jurisdiction of the Court in accordance with Article 36, paragraph 2, of its Statute. In addition, approximately 300 treaties make reference to the Court in respect of the settlement of disputes arising from their application or interpretation.

Since I addressed the Assembly in November 2004, the Court has rendered final judgment in 10 cases, with the judgments in all of the eight cases concerning the legality of the use of force having been rendered simultaneously. Over the same period, the Court has also held oral hearings in three cases. As a result of the Court's efforts, the total number of 21 cases on the docket of the Court, which I reported to the Assembly a year ago, had dropped to 11 by the end of the period under review. Today there are in fact 12 cases on the General List, following the institution of proceedings by Costa Rica against Nicaragua, on 29 September 2005. I cannot but insist on how much has been accomplished since those not-so-distant times when there was talk of a serious backlog of cases at the Court. Although it still represents a substantial amount of work, 12 cases is indeed a perfectly reasonable number of cases to have on the docket of the International Court of Justice.

The contentious cases pending before the Court originate from all over the world: four between European States, three between African States, three between Latin American States and one between Asian States. In addition, there is one case of an intercontinental nature, namely, between Europe and Africa.

The Court's international character is also reflected in its composition. It currently has the benefit of members from Brazil, China, Egypt, France, Germany, Japan, Jordan, Madagascar, the Netherlands, the Russian Federation, Sierra Leone, Slovakia, the United Kingdom, the United States of America and Venezuela.

The cases included on the docket over the last year illustrate the variety of international disputes that are customarily referred to the Court. The Court is accustomed to handling territorial disputes between neighbouring States that are seeking the determination of their land and maritime boundaries or a decision in respect of sovereignty over particular areas. Currently, there are five such cases in the General List concerning, respectively, Nicaragua and Honduras, Nicaragua and Colombia, Malaysia and Singapore, Romania and Ukraine, and Costa Rica and Nicaragua.

States also regularly submit disputes to the Court concerning the treatment of their nationals by other States. That is the position in the present cases between Guinea and the Democratic Republic of the Congo, and between the Republic of Congo and France. The last case also raises issues relating to the jurisdictional immunity of State officials.

Another category of cases that is frequently referred to the Court concerns the use of force. Such proceedings often relate to events that have been brought before the General Assembly or the Security Council. At the moment, the Court is deliberating on two cases against Uganda and Rwanda in which the Democratic Republic of the Congo contends that it has been the victim of armed attack. The Court is also seized of two cases in which Bosnia and Herzegovina and Croatia have sought the condemnation of Serbia and Montenegro for violations of the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

As I mentioned earlier, in the course of the period under review, the Court rendered judgments in 10 cases. I shall now deal with those decisions in chronological order.

On 15 December 2004, the Court handed down its judgments in the eight remaining cases concerning the legality of the use of force, that is, the cases of *Serbia and Montenegro* v. *Belgium*, *Serbia and Montenegro* v. *Canada*, *Serbia and Montenegro* v. *France*, *Serbia and Montenegro* v. *Germany*, *Serbia and Montenegro* v. *Italy*, *Serbia and Montenegro* v. *Netherlands*, *Serbia and Montenegro* v. *Portugal* and *Serbia and Montenegro* v. *United Kingdom*. In each of those cases the Court found unanimously that it had no jurisdiction to entertain the claims made by Serbia and Montenegro.

When bringing those cases — a total of 10 — in 1999, Serbia and Montenegro, which at the time was the Federal Republic of Yugoslavia, alleged that each of the respondent States had committed acts by which it had violated its international obligation banning the use of force against another State, the obligation not to intervene in the internal affairs of another State, the obligation not to violate the sovereignty of another State, the obligation to protect the civilian population and civilian objects in war time, the obligation to

protect the environment, the obligation relating to free navigation on international rivers, the obligation regarding fundamental human rights and freedoms, the obligation not to use prohibited weapons and the obligation not to deliberately inflict conditions of life calculated to cause the physical destruction of a national group.

In all 10 cases it invoked as a basis of the Court's jurisdiction article IX of the Convention on the Prevention and Punishment of the Crime of Genocide, which was adopted by the General Assembly on 9 December 1948 and which is known as the Genocide Convention. In the six cases against Belgium, Canada, the Netherlands, Portugal, Spain and the United Kingdom, it also invoked Article 36, paragraph 2, of the Statute of the Court, while in the four cases against France, Germany, Italy and the United States it invoked Article 38, paragraph 5 of the Rules of the Court. Moreover, in the two cases against Belgium and the Netherlands, Serbia and Montenegro submitted a supplement to the application invoking as a further basis for the Court's jurisdiction the provisions of a convention on the settlement of disputes concluded with each of those States in the early 1930s.

By Orders of 2 June 1999 concerning requests for provisional measures submitted by Serbia and Montenegro in the cases against Spain and the United States, the Court decided that those cases were to be removed from the Court's List for manifest lack of jurisdiction. By Orders of the same date in the eight remaining cases, the Court stated that it lacked jurisdiction prima facie. Subsequently, the respondent States in those cases all submitted preliminary objections relating to the Court's jurisdiction to entertain the case and to the admissibility of the Application.

In its Judgments of 15 December 2004, the Court observed that the question of whether the Applicant was or was not a State party to the Statute of the Court at the time of the institution of the proceedings was fundamental; for if it were not such a party, the Court would not be open to it, unless it met the conditions prescribed in Article 35, paragraph 2, of the Statute. The Court therefore had to examine whether the Applicant met the conditions for access to it laid down in Articles 34 and 35 of the Statute before examining the issues relating to the conditions laid down in Articles 36 and 37 of the Statute.

The Court pointed out that there was no doubt that Serbia and Montenegro was a State for the purposes of Article 34, paragraph 1, of the Statute. However, the objection had been raised by certain Respondents that, at the time when the Application was filed, Serbia and Montenegro did not meet the conditions set down in Article 35, paragraph 1, of the Statute, because it was not a Member of the United Nations at the relevant time. After recapitulating the sequence of events relating to the legal position of the applicant State vis-à-vis the United Nations, the Court concluded that the legal situation that obtained within the United Nations during the period 1992-2000 concerning the status of the Federal Republic of Yugoslavia, following the break-up of the Socialist Federal Republic of Yugoslavia, had remained ambiguous and open to different assessments.

That situation had come to an end with a new development in 2000. On 27 October of that year, the Federal Republic of Yugoslavia requested admission to membership in the United Nations, and on 1 November, by General Assembly resolution 55/12, it was so admitted. The Applicant thus had the status of membership in the Organization as from 1 November 2000. However, its admission to the United Nations did not have, and could not have had, the effect of dating back to the time when the Socialist Federal Republic of Yugoslavia broke up and disappeared. The Court therefore concluded that the Applicant thus was not a member of the United Nations, and in that capacity a State party to the Statute of the International Court of Justice, at the time of filing its Application to institute the proceedings in each of the cases before the Court on 29 April 1999. As it had not become a party to the Statute on any other basis, the Court was not open to it at that time under Article 35, paragraph 1, of the Statute.

The Court then considered whether it might have been open to the applicant under Article 35, paragraph 2. It noted that the words "treaties in force" in that paragraph of Article 35 were to be interpreted as referring to treaties that were in force at the time that the Statute itself came into force, and that consequently, even assuming that the Applicant was a party to the Genocide Convention when instituting proceedings, Article 35, paragraph 2, of the Statute did not provide it with a basis for access to the Court under article IX of that Convention, since the Convention

only entered into force on 12 January 1951, after the entry into force of the Statute.

In the cases against Belgium and the Netherlands, the Court finally examined the question of whether Serbia and Montenegro was entitled to invoke the dispute settlement convention it had concluded with each of those States in the early 1930s as a basis of jurisdiction in those cases. The question was whether the conventions dating from the early 1930s, which were concluded prior to the entry into force of the Statute, might rank as a "treaty in force" for purposes of Article 35, paragraph 2, and hence provide a basis of access to the Court.

The Court first recalled that Article 35 of the Statute of the Court concerns access to the present Court and not to its predecessor, the Permanent Court of International Justice (PCIJ). It then observed that the conditions for the transfer of jurisdiction from the PCIJ to the present Court are governed by Article 37 of the Statute. The Court noted that Article 37 applies only as between parties to the Statute under Article 35, paragraph 1. As it had already found that Serbia and Montenegro was not a party to the Statute when instituting proceedings, the Court accordingly found that Article 37 could not give it access to the Court under Article 35, paragraph 2, on the basis of the conventions dating from the early 1930s, irrespective of whether or not those instruments were in force on 29 April 1999, the date of the filing of the Application.

In each of its Judgments, the Court finally recalled that, irrespective of whether it has jurisdiction over a dispute, the parties remained in all cases responsible for acts attributable to them that violate the rights of other States.

Barely a couple of months later, on 10 February 2005, the Court rendered its Judgment on the preliminary objections to jurisdiction and admissibility raised by Germany in the case concerning *Certain Property (Liechtenstein v. Germany)*. It found that it had no jurisdiction to entertain the Application filed by Liechtenstein.

When, in 2001, Liechtenstein brought the case before the Court, it based the Court's jurisdiction on article 1 of the European Convention for the Peaceful Settlement of Disputes. Germany raised six preliminary objections to the jurisdiction of the Court and to the admissibility of Liechtenstein's Application.

The historical context of that case was as follows. In 1945 Czechoslovakia confiscated certain properties belonging to Liechtenstein nationals, including to Prince Franz Josef II of Liechtenstein, pursuant to the "Beneš Decrees", which authorized the confiscation of agricultural property — including buildings, installations and movable property — of all persons belonging to the German and Hungarian people, regardless of their nationality. A special regime with regard to German external assets and other property seized in connection with the Second World War was created under the Convention on the Settlement of Matters Arising out of the War and the Occupation (chapter six), which was signed in 1952 at Bonn.

In 1991, a painting by the Dutch master Pieter van Laer was lent by a museum in Brno, Czechoslovakia, to a museum in Cologne, Germany, for inclusion in an exhibition. That painting had been the property of the family of the Reigning Prince of Liechtenstein since the eighteenth century. It was confiscated in 1945 by Czechoslovakia under the Beneš Decrees. Prince Hans-Adam II of Liechtenstein then filed a lawsuit in the German courts in his personal capacity to have the painting returned to him as his property, but that action was dismissed on the basis that, under article 3, chapter six, of the Settlement Convention — an article whose paragraphs 1 and 3 are still in force — no claim or action in connection with measures taken against German external assets in the aftermath of the Second World War was admissible in German courts. A claim brought by Prince Hans-Adam II before the European Court of Human Rights concerning the decisions by the German courts was also dismissed.

The Court, rejecting Germany's first objection, found that there existed a legal dispute between the parties and that it was whether, by applying article 3, chapter six, of the Settlement Convention to Liechtenstein property that had been confiscated by Czechoslovakia in 1945, Germany was in breach of the international obligations it owed to Liechtenstein and, if so, what was Germany's international responsibility.

Germany's second objection required the Court to decide, in the light of the provisions of article 27 (a) of the European Convention for the Peaceful Settlement of Disputes, whether the dispute related to facts or situations that arose before or after 18 February 1980, the date on which that Convention entered into force between Germany and Liechtenstein. The Court noted

in that respect that it was not contested that the dispute was triggered by the decisions of the German courts in the aforementioned case. The critical issue, however, was not the date when the dispute arose, but the date of the facts or situations in relation to which the dispute arose.

In the Court's view, the dispute brought before it could only relate to the events that transpired in the 1990s if, as argued by Liechtenstein, in that period, Germany either departed from a previous common position that the Settlement Convention did not apply to Liechtenstein property, or if German courts, by applying their earlier case law under the Settlement Convention for the first time to Liechtenstein property, applied that Convention to a new situation after the critical date.

Having found that neither was the case, the Court concluded that, although those proceedings were instituted by Liechtenstein as a result of decisions by German courts concerning a painting by Pieter van Laer, those events have their source in specific measures taken by Czechoslovakia in 1945, which led to the confiscation of property owned by some Liechtenstein nationals, including Prince Franz Jozef II of Liechtenstein, as well as in the special regime created by the Settlement Convention; and that the source or real cause of the dispute was accordingly to be found in the Settlement Convention and the Beneš Decrees. In the light of the provisions of article 27 (a) of the European Convention for the Peaceful Settlement of Disputes, the Court therefore upheld Germany's second preliminary objection, finding that it could not rule on Liechtenstein's claims on the merits.

Finally, on 12 July 2005, the Chamber of the Court formed to deal with the case concerning the *Frontier Dispute (Benin/Niger)* rendered its Judgment. By that Judgment, it first determined the course of the boundary between the two parties in the sector of the River Niger, decided which of the islands situated in the River Niger belonged to each of the parties, and fixed the boundary line on two bridges in the River Niger. The Chamber further determined the course of the boundary between the parties in the sector of the River Mekrou.

After outlining the geographical context and historical background to the dispute between those two former colonies, which were part of French West Africa until their accession to independence, in August 1960, the Chamber addressed the law applicable to the dispute. It stated that that law includes the principle of the intangibility of the boundaries inherited from colonization or the principle of *uti possidetis juris*, whose primary aim is to secure respect for the territorial boundaries at the moment when independence is achieved. The Chamber found that on the basis of that principle it had to seek to determine, in that case, the boundary that was inherited from the French administration. It noted that the parties agreed that the dates to be taken into account for that purpose were those of their respective independence, namely, 1 and 3 August 1960.

The Chamber then considered the course of the boundary in the River Niger sector. It first examined the various regulative or administrative acts invoked by the parties in support of their respective claims, and concluded that neither of the parties has succeeded in providing evidence of title on the basis of those acts during the colonial period. In accordance with the principle that, where no legal title exists, the *effectivités* must invariably be taken into consideration, the Chamber further examined the evidence presented by the parties regarding the effective exercise of authority on the ground during the colonial period, in order to determine the course of the boundary in the River Niger sector and to indicate to which of the two States each of the islands in the river belongs, and in particular the island of Lété.

On the basis of that evidence in respect of the period 1914 to 1954, the Chamber concluded that there was a *modus vivendi* between the local authorities of Dahomey and Niger in the region concerned, whereby both parties regarded the main navigable channel of the river as constituting the intercolonial boundary. The Chamber observed that, pursuant to that *modus vivendi*, Niger exercised its administrative authority over the islands located to the left of the main navigable channel, including the island of Lété, and Dahomey over those located to the right of that channel. The Chamber noted that the entitlement of Niger to administer the island of Lété was sporadically called into question for practical reasons, but was neither legally nor factually contested. With respect to the islands located opposite the town of Gaya, Niger, the Chamber noted that, on the basis of the *modus vivendi*, those islands were considered to fall under the jurisdiction of Dahomey. It therefore followed, in the view of the Chamber, that in that sector of the river the

boundary was regarded as passing to the left of those three islands.

The Chamber found that the situation was less clear in the period between 1954 and 1960. However, on the basis of the evidence submitted by the parties, it could not conclude that the administration of the island of Lété, which before 1954 was undoubtedly carried out by Niger, was effectively transferred to or taken over by Dahomey.

The Chamber concluded from the foregoing that the boundary between Benin and Niger in that sector follows the main navigable channel of the River Niger as it existed at the dates of independence, it being understood that in the vicinity of the three islands opposite Gaya the boundary passes to the left of those islands. Consequently, Benin has title to the islands situated between the boundary thus defined and the right bank of the river, and Niger has title to the islands between that boundary and the left bank of the river.

In order to determine the precise location of the boundary line in the main navigable channel, namely, the line of deepest soundings, as it existed at the dates of independence, the Chamber based itself on a report prepared in 1970 at the request of the Governments of Dahomey, Mali, Niger and Nigeria by the Dutch company Netherlands Engineering Consultants. In the Judgment, the Chamber specified the coordinates of 154 points through which the boundary between Benin and Niger passes in that sector, and determined to which party each of the 25 islands of the river belongs, on the basis of the boundary line as described above. It stated, inter alia, that Lété Goungou belongs to Niger.

Finally, the Chamber concluded that the Special Agreement also conferred jurisdiction upon it to determine the line of the boundary on the bridges between Gaya and Malanville. It found that the boundary on those structures follows the course of the boundary in the River Niger.

In the second part of its Judgment, dealing with the western section of the boundary between Benin and Niger, in the sector of the River Mekrou, the Chamber examined the various documents relied on by the parties in support of their respective claims. It concluded that, notwithstanding the existence of a legal title of 1907 relied on by Niger in support of the boundary which it claims, it was clear that, at least from 1927 onwards, the competent administrative authorities regarded the course of the Mekrou as the intercolonial boundary separating Dahomey from Niger, that those authorities reflected that boundary in the successive instruments promulgated by them after 1927 — some of which expressly indicated that boundary while others necessarily implied it — and that that was the state of the law at the dates of independence in August 1960. The Chamber concluded that in the River Mekrou sector the boundary between Benin and Niger is constituted by the median line of that river.

As well as delivering those Judgments, the Court has completed the hearings on the merits in the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*. In addition, hearings on the preliminary objections of Rwanda have recently taken place in the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Rwanda)*. Both cases are currently under deliberation.

The achievements of the Court during the period under review reflect its commitment to dealing with cases as promptly and efficiently as possible while maintaining the quality of its judgments and respecting the consensual nature of its jurisdiction.

A recurrent theme of my interventions before the General Assembly has been the intensity of the work accomplished by the Court. It is not always easy for the public to imagine what is happening behind the walls and gates of the Peace Palace in The Hague. Faced with a continuously growing caseload, the Court has made tremendous efforts in the last decade to increase its judicial efficiency while maintaining its high quality of work. The Court has modernized the organization of its Registry, reviewed and adapted its internal working methods, promulgated Practice Directions for the parties and even modified its Rules where necessary. Far from resting on its laurels, the Court keeps its working methods constantly under review. It is not without satisfaction that I can tell the Assembly that those efforts have already begun to bear fruit.

The level of activity displayed by the Court over the past years is, simply put, unprecedented in its history. That success story would not have been possible without the help of the General Assembly, and the Court is thankful for the support it has given it in the past. The task ahead of the Court is, however, still considerable. It is therefore essential that that support be maintained.

In that regard, it is important to remember that the budget of the Court represents less than one per cent of the total budget of the United Nations. The Court is fully aware of the difficult budgetary conditions in which the Organization finds itself, and recognizes its own responsibility to apply its funds wisely. In its budgetary request for the biennium 2006-2007, which is currently under consideration, the Court has made every effort to restrict itself to proposals that are financially modest, but also of the utmost significance for the implementation of key aspects of its work. The Court hopes that those budgetary proposals will meet with the Assembly's agreement, thereby enabling the principal judicial organ of the United Nations better to serve the international community.

The Court was established by the Charter in pursuance of one of the primary purposes of the United Nations: to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace. As we approach the sixtieth anniversary of the International Court of Justice, which will take place next year, the popularity of the Court as a dispute resolution mechanism continues to grow. More and more States are beginning to realize how the International Court of Justice can serve them and are trusting it to resolve their disputes with other nations.

The issues that States have asked the Court to resolve are likewise many and varied. In the past three years alone, the Court has decided cases relating to matters as diverse as land, fluvial and maritime boundaries, the ownership of property seized during the Second World War, human rights violations, the access of foreign nationals to consular assistance, freedom of commerce and the use of force, to name but a few. It has thus become clear to the international community that the International Court of Justice, as the principal judicial organ of the United Nations, has a crucial and primary role to play in the peaceful settlement of international disputes and in the promotion and application of international law.

I would like to stress the point that, as was emphasized in the Manila Declaration on the Peaceful Settlement of International Disputes of 1982, recourse to the judicial settlement of legal disputes — particularly referral to the International Court of Justice — should not be considered an unfriendly act between States. To the contrary, experience has shown that recourse to the Court is a pacifying measure.

It is important, in that regard, to remember that the Court is the only international judicial body to possess general jurisdiction, which enables it to deal with any issue relating to international law and to take into account developments in international law across the entire spectrum of international relations. The Court is thus ideally equipped to settle quickly and durably, at a minimum cost, any type of legal dispute, whatever its nature and the type of solution pursued, and regardless of the status of the relationship between the litigant parties.

The role that the Court plays was highlighted by the Secretary-General in his recent report "In larger freedom" (*A/59/2005*), in which he described the International Court of Justice as lying at the centre of the international system for adjudicating disputes among States. The heads of State and Government gathered for the 2005 world summit echoed that statement when they recognized the important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States, and the value of its work.

The Court welcomes those kind words of appreciation. It also wholeheartedly welcomes the suggestion of the Secretary-General that in order to reinforce the Court and to make it more efficient, States that have not yet done so need to consider recognizing the compulsory jurisdiction of the Court and that the recourse to the advisory powers of the Court by the duly authorized United Nations organs and specialized agencies should be increased. With the support of the General Assembly, the International Court of Justice will pursue its efforts to prove worthy of the hopes that have been placed in it and to continue to accomplish the mission that was attributed to it 60 years ago by the drafters of the Charter.

It remains for me to thank members for their attention and for their interest in the International Court of Justice.

**The President**: I thank the President of the International Court of Justice for his strong words in support and encouragement of my tasks to promote reform of the Organization and to ensure the implementation of the principles agreed in the outcome document (*resolution 60/1*) of the 2005 world summit.

Before I give the floor to the next speaker, I would like to echo and reaffirm the President's view that it has become clear to the international community that the International Court of Justice, as the principal judicial organ of the United Nations, has a crucial and primary role to play in the peaceful settlement of international disputes and in the promotion and application of international law, and furthermore that experience has shown that recourse to the Court is a pacifying measure.

Here, I would like to recall paragraph 73 of the summit outcome document, which emphasizes the obligation of States to settle their disputes by peaceful means in accordance with Chapter VI of the Charter, including, when appropriate, by the use of the International Court of Justice. I also want to recall paragraph 134 (f) of the same document, in which our leaders at the summit recognized

> "the important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, call upon States that have not yet done so to consider accepting the jurisdiction of the Court in accordance with its Statute and consider means of strengthening the Court's work, including by supporting the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice on a voluntary basis."

This morning's statement by the President of the International Court of Justice is an important and timely reminder of the principles laid down and the positions taken in the 2005 World Summit Outcome document.

I now give the floor to the representative of New Zealand, who will speak on behalf of the CANZ Group of countries.

**Mr. McIvor** (New Zealand): Let me first express, on behalf of Canada, Australia and my own country, New Zealand, thanks to the President of the International Court of Justice, Judge Shi Jiuyong, for his insightful and comprehensive report on the work of the Court over the past year. His presentation this morning highlights the valuable role that the Court plays in contributing to the peaceful resolution of disputes between States and to the development of international law.

Universal adherence to the international rule of law is crucial for a peaceful world. As countries that firmly believe in the rule of law, we were pleased to see that principle resoundingly endorsed by the world's leaders at their summit last month. The International Court of Justice is central to ensuring that the rule of law is maintained and strengthened at the international level, and for that reason the Court deserves our unwavering support.

Canada, Australia and New Zealand have always been, and will continue to be, strong supporters of the principal judicial organ of the United Nations: the International Court of Justice. Our confidence in the Court and in its continuing ability to render considered judgments on complex international legal issues is reflected in our acceptance of the Court's compulsory jurisdiction, in accordance with article 36, paragraph 2, of the Statute of the Court.

We would encourage other Members of the United Nations that have not yet done so to deposit with the Secretary-General a declaration of acceptance of the Court's compulsory jurisdiction.

CANZ welcomes the Court's official handling of the cases before it and the steps it continues to take to improve its working methods in that regard. We are pleased to see that, over the 2004-2005 period, the Court disposed of 10 cases and that the caseload now sits at 11.

Gone are the days when the Court's docket was virtually empty. The increased willingness of States to turn to judicial settlement of their disputes must be welcomed and is testimony of the ever-growing faith in the decisions of the Court and in the rule of law by the international community.

In recent times, other courts have been created to handle specific issues, such as the International Tribunal for the Law of the Sea, the International Criminal Court and the ad hoc international criminal Tribunals for the former Yugoslavia and for Rwanda. CANZ supports the work of those courts, which contribute to the application and strengthening of the rule of law.

The International Court of Justice, however, retains its place as the only international Court of universal character and general jurisdiction. All States are equal before the Court, regardless of their size. It is

important for smaller States to have access to such impartial means to resolve their disputes.

CANZ looks forward to the International Court of Justice's continuing to play its vital role in the peaceful settlement of international disputes and in strengthening the international legal order, as mandated by the United Nations Charter.

*Mr. Sardenberg, Vice-President (Brazil), took the Chair.*

**Mr. Liu Zhenmin** (China) (*spoke in Chinese*): It gives the Chinese delegation great pleasure to speak on the agenda item under discussion.

At the outset, allow me, on behalf of the Chinese delegation, to thank Judge Shi Jiuyong, President of the International Court of Justice, for his report on the work of the Court.

In the view of the Chinese delegation, the settlement of international disputes by peaceful means, including resort to the International Court of Justice, constitutes an important avenue towards the realization of the purposes of the United Nations, namely the maintenance of international peace and security.

The International Court of Justice, one of the six principal organs of the United Nations, is indispensable for the maintenance of international peace and security. At the same time, the Court, as the judicial organ of the United Nations, by exercising its jurisdiction and issuing advisory opinions, plays a vital role in the clarification, affirmation, application and development of the norms and principles of international law.

The Chinese delegation is pleased to see that, over the past 60 years, the International Court of Justice has disposed of more than 90 cases and handed down close to 100 decisions and judgments in cases covering the delimitation of land and maritime boundaries, territorial sovereignty, the obligation not to use force, the obligation not to interfere in the internal affairs of other States, diplomatic relations, anti-kidnapping, asylum, nationality, the right of passage, and economic rights.

In addition, the Court has issued 25 advisory opinions ranging from applications for membership in the United Nations, certain operational costs of the United Nations, application of United Nations headquarters agreements, the legality of the use of the threat of the use of nuclear weapons, to the legal consequences of the construction of a separation wall in the occupied Palestinian territories. Through these judicial activities, the Court has facilitated the development of international law.

We have also noted that the workload of the Court has significantly increased as it gains broader recognition by, and the confidence of, the international community. Consequently, the difficulties faced by the Court in terms of its personnel and financial resources are becoming more pronounced. We appeal to all Members of the United Nations to devote greater attention to that question and to do their best to ensure that the Court can function normally, so that it can play its role fully.

The Chinese delegation believes that the Court, like other organs of the United Nations system, can benefit from United Nations reform. A dynamic Court will surely be able to contribute significantly to a more peaceful world.

The Chinese Government is of the view that, although peace and development are the dominant themes of our times, international relations and the development of the international community as a whole are susceptible to the effects of sources of instability and uncertainty that still remain and to the new challenges and threats that emerge from time to time.

Harmony among peoples, harmony between humankind and nature, and the peaceful coexistence of States all should be governed and safeguarded by the rule of law. We are confident that the International Court of Justice will continue to play an important role in the peaceful settlement of international disputes, the promotion of the rule of law at the international level and in the building of a harmonious community of nations.

China will continue to support the work of the Court. It is our hope that the Court will make an even greater contribution to the maintenance of international peace and security, the promotion of friendly exchanges among countries, and the development of international law.

**Mr. Ketwah** (Malaysia): My delegation wishes to thank Judge Shi Jiuyong, President of the International Court of Justice, for his lucid presentation of the report of the Court (A/60/4). That comprehensive report contains useful information on the work of the

International Court of Justice and provides a better understanding of the complex issues before it.

We appreciate the important contribution made by the International Court of Justice to the peaceful settlement of disputes between States and the development of international law. Indeed, the peaceful settlement of disputes is one of the fundamental pillars of the United Nations. We acknowledge the fact that the International Court of Justice has tremendous influence in the promotion of peace and harmony between the States and peoples of the world through the rule of law. The International Court of Justice plays an important role in resolving disputes submitted by States and in handing down advisory opinions on legal questions referred to it in accordance with international law. That role should not be underestimated in the common endeavour of promoting peace among nations. The Court provides a prudent and civilized alternative to violence and the use of force. Judicial decisions as such are not a source of law, but the Court's dicta are unanimously considered the best formulation of the content of international law in force.

We are pleased to note the marked progression in the caseload of the Court since its inception. During the period from 1 August 2004 to 31 July 2005, there were 21 important cases before the Court. Those contentious cases come from all over the world, and their subject matter varies from cases concerning territorial disputes between neighbouring States seeking a determination of their land and maritime boundaries, or a decision as to which of them has sovereignty over particular areas, to applications regarding the crime of genocide. That is testimony to the growing confidence of States in the work of the Court and to the willingness of the international community to be governed by the principles of international law in the conduct of international relations.

The Court has handed down judgments and opinions of excellent quality. The acceptance of those judgments and opinions by the parties concerned is clear evidence of the preference of States to avail themselves of the wisdom of the Court in order to resolve disputes peacefully. Such increasing recourse by States to the judicial settlement of their disputes has made the Court central to the administration of international justice. Confidence in the role, functions and accomplishments of the Court has strengthened Malaysia's belief that the Court is the most appropriate forum for the peaceful and final resolution of disputes when all diplomatic efforts have been exhausted.

Malaysia was a recent client of the International Court of Justice. On 2 November 1998, Malaysia and Indonesia submitted to the Court their territorial dispute over the islands of Ligitan and Sipadan. The Court issued its judgement on 17 December 2002, and both parties accepted it as final and binding. Both countries were satisfied that the entire legal process to resolve the dispute through the International Court of Justice had taken place in a fair, transparent, responsible and dignified manner. That is indeed testimony to the confidence that both countries place in the Court's ability to resolve international disputes in conformity with the principles of justice and international law.

With regard to the territorial dispute with Singapore concerning sovereignty over Pulau Batu Puteh, Middle Rocks and South Ledge, currently on the Court's docket, we wish to assure the Assembly that, consistent with its abiding respect for international law, Malaysia will fully respect the Court's decision on the case. Such respect for the Court's decision will help to enhance the Court's stature and prestige among Member States and will in turn inculcate a culture of respect for international law in relations among States.

My delegation takes note of the report of the Secretary-General on the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice (*A/60/350*). We note the Secretary-General's appeal to all States and other relevant entities to give serious consideration to making contributions to the Fund, which has had a decreasing level of resources since its inception. We also note the revision of the Fund's terms of reference.

Malaysia commends the Court for its efforts to increase public awareness and understanding of its work in the judicial settlement of international disputes and its advisory functions, case law and working methods, as well as its role within the United Nations through its publications and through lectures by the President and members of the Court, the Registrar and members of the Registry staff. We welcome the Court's distribution of press releases, of background notes and of its handbook to keep the public informed about its work, functions and jurisdiction. We agree that the Court's website has been extremely useful and well utilized by diplomats, lawyers, academics, students and

interested members of the public as an important source of access to the Court's judgments, which constitute the most recent developments in international case law. We hope that the Court will be provided with adequate resources so that it can continue to fulfil its mandate and meet the demands of an increasing workload.

**Mr. Hatch** (Sri Lanka): I wish to express the sincere appreciation of my delegation to Judge Shi Jiuyong, President of the International Court of Justice, for his excellent presentation of the comprehensive report of the Court covering the period 1 August 2004 to 31 July 2005 (*A/60/4*).

The International Court of Justice is the principal judicial organ of the United Nations, dispensing justice within the jurisdiction assigned to it. The Court is empowered under the Charter and the Court's Statute to decide disputes freely submitted by States in the exercise of their sovereignty and to render advisory opinions. The International Court of Justice is unique, because it has the capacity to deal with disputes of the international community, thereby not only developing the rule of law, but also securing the pacific settlement of international disputes.

The dramatic increase in the number of disputes now being referred to the Court, when compared with the 1970s, is a clear manifestation of the confidence of the international community in the Court's discharge of its functions. We note with great satisfaction, in that regard, that during the period under review, the Court has disposed of 10 cases, while 11 are still pending. We also note with satisfaction that the Court is continually adopting measures to improve its judicial efficiency, notwithstanding the increased volume and complexity of its workload.

Cases have been referred to the Court from all regions, and it is noted that the subject matter of those cases is extremely rich and varied. They currently cover complex issues, such as the legality of the use of force, the determination of land and maritime boundaries between neighbouring States, the application of the Genocide Convention, the treatment of aliens in foreign jurisdictions and other issues. The Court has also ably dealt with extremely intricate issues concerning the admissibility of cases in the context of its own jurisdiction. The Court's determinations will undoubtedly make an important contribution to the development of international legal principles in those critical areas and will also contribute to the enrichment of the law.

The confidence placed in the Court by States is undoubtedly interlinked with the continuously evolving nature of international law. That evolution has taken on a new dimension in recent decades. The Court has been aware of the importance of that aspect and of the adaptation of international law to present-day needs, which enhances friendly relations among States.

The case law of the International Court of Justice is an important aspect in the attainment of the objectives of the United Nations. Its judgments and advisory opinions not only have an impact on the international legal system, but also have a significant impact on the judicial decisions of States and on the development of their municipal law.

For example, the concurring opinion of the then-Vice President of the Court, Judge C.G. Weeramantry, to the judgment of the Court in the Danube dam case of 25 September 1997 was subsequently cited with approval by the Supreme Court of Sri Lanka — which is the apex court — in its June 2000 decision in the case of *Bulankulama and six others v. Ministry of Industrial Development and seven others*. That case dealt with important issues of environmental law in the context of an application under the chapter on fundamental rights of the Sri Lanka Constitution.

Indeed, that opinion of the International Court of Justice drew in turn on the rich heritage of wisdom and principles enunciated in ancient texts of numerous civilizations on the need to preserve the environment in seeking to strike a balance between the competing needs of development and preservation of the environment, thus manifesting harmonious interplay between and the mutual enrichment of municipal and international law.

In that connection, it is relevant to recall the invaluable contribution made by the then Vice President of the Court, Judge C.G. Weeramantry of Sri Lanka, to the jurisprudence of the Court, particularly in relation to international environmental law.

It is also noteworthy that the ICJ is also called upon to determine disputes under various bilateral and multilateral treaties, thereby strengthening this instrument as an important vehicle in promoting the wider objectives of the United Nations.

The Court has also, over the last 50 years, made an important contribution to the progressive development of international law in other fields of importance to States. These include issues having economic implications such as those relating to foreign investment. In the process, the Court has also contributed to the development of principles governing State responsibility.

My delegation wishes to express its appreciation to the Court for its role in the pacific settlement of disputes and for its contribution to the development of international law. In turn, full implementation of the decisions of the Court will enhance the role and credibility of the Court.

We also welcome the steady progress made by the Court in the dissemination of information on its work through various forms. The distribution of information by electronic means, in particular through the Internet, is a major achievement. The Court's web site is a valuable tool for the wider dissemination of its work, which will not only further enhance the development of the law but also the objectives of the United Nations. In view of the importance of the use of information technology in the work of the Court, my delegation urges Member States to consider providing greater means to improve and expand those facilities. That is of particular importance to academics, practitioners and law students from developing countries.

For more than half a century, the Court has played an important role in settling disputes between States as well as rendering advisory opinions on legal questions referred to it. My delegation has full confidence in the Court's continued ability to discharge its functions under the Charter and Statute. During this sixtieth anniversary session of the United Nations, Sri Lanka reaffirms its cooperation in meeting Court's objectives.

**Mr. Park Hee-Kwon** (Republic of Korea): At the outset, on behalf of my delegation, allow me to thank Judge Shi Jiuyong, President of the International Court of Justice (ICJ), for his lucid introduction to the Court's report. The report convinces us that the Court has diligently accomplished its duty as the principal judicial organ of the United Nations. The increasing number of cases brought before the Court of late attests to the level of trust given the Court by States. In that regard, my delegation commends the Judges and all of the Court's staff for having converted many sceptics to belief in the rule of law.

My delegation would also like to take this opportunity to express our sincere gratitude to the following outgoing Judges: Judge Vereshchetin of the Russian Federation, Judge Kooijmans of the Netherlands, Judge Rezek of Brazil and Judge Elaraby of Egypt. During their tenure, they set an example through their dedication and their insights into the often-elusive issues of international law. We are confident that their legacy will be carried on by their successors once the latter are elected.

As the President of the International Court of Justice has just pointed out, the work of the Court reached an unprecedented level of intensity during the period under review. Notably, the Court significantly reduced the number of cases on its docket by rendering 10 final judgments — eight in cases concerning the legality of the use of force, one on the issue of certain property, and one concerning a frontier dispute. In all those cases, the Court has met our high expectations for authoritative language on matters of international law.

I would like to briefly touch upon one recent judgment: the 2004 *Legality of Use of Force* case between Serbia and Montenegro and the eight NATO States. It has not escaped our notice that the ICJ's judgment in this case is seemingly inconsistent with its earlier decision in *Application of the Convention on the Prevention and Punishment of the Crime of Genocide*. The six years between the filing dates of the two cases may partly explain the difference, as might the uncertain, and perhaps sui generis, status of Serbia and Montenegro from 1992 to 2000. Still, I would like to emphasize that consistency in jurisprudence is of paramount importance, not only for maintaining States' trust in the Court, but also for ensuring the Court's reputation for impartiality. I hope, therefore, that the judgment in the pending *Genocide* case will clarify any lingering doubts about the consistency of the Court's case law.

The active role taken by the Court during the period under review is in line with its activities in recent years. Last year, the advisory opinion on *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* garnered an unusual amount of media attention. In that case, the Court not only helped the General Assembly to clarify issues in

one of the most longstanding and difficult disputes facing the international community, but also demonstrated its will and capability to revitalize its underused advisory function. It is worth recalling that similar procedures were more common under the Permanent Court of International Justice, and proposals to expand the advisory role of the ICJ, as the principal legal organ of the United Nations system, merit further consideration.

The Court has not always enjoyed this level of trust from the international community. Indeed, its caseload remained fairly low until the 1970s, when the Court successfully overcame the suspicion that prevailed among many developing countries that it was biased. Since then, the Court's client base has expanded dramatically. Changing perceptions of the Court's work can be attributed to many factors, including the end of the cold war, but most important has been the Court's successful responses to the challenges of a changing world. The report before us shows that this continues to be the case, as the Court has met the challenge of handling an increased workload with limited resources.

Indeed, there is a kind of virtuous circle at work: the more successful the Court is in fulfilling its responsibilities, the more cases will be brought to it. Moreover, taking into account the increasing number of States parties to the Court, acceptance of the Court's compulsory jurisdiction, and the number of treaties with provisions referring disputes to the Court, it would not surprise us to see a continued rise or even acceleration in the number of cases brought before the ICJ.

High hopes for the Court and proposals for it to play a more active role are also bound to increase its workload. Thus, the challenge of an increasing number of cases is an ongoing one, but one that we must tackle if we are to achieve the ideal of resolving disputes peacefully by judicial means.

It has been said that one of the necessary conditions for a more effective law is to strengthen and improve the institutions and processes for the law's administration. It is in this regard that we support the Court's initiatives to improve its efficiency by streamlining procedures, adopting advanced technologies and asking for more resources. One such effort has been the Court's review and amendment of its procedural rules, including the Rules of the Court and Practice Directions. We welcome these amendments as an indication of the Court's continuous efforts to speed up its work and enhance the transparency of its procedures. The report also informs us that a request for an expansion of the Court's Computerized Division has been submitted for approval in its 2006-2007 budget. We believe that adequate resources should be allocated to support the Court's efforts to meet its growing workload, and we therefore hope this request will be considered favourably by the relevant bodies.

In the same vein, we emphasize that the challenge of an increased caseload requires cooperation on the part of Member States. In many of the recent contentious cases, too many of the Court's limited resources were consumed during the preliminary stages rather than during the consideration of the merits of the cases. While we should respect the rights of States to full access to the procedures of the Court and to be exempt from the Court's jurisdiction, unless they have given their due consent, overburdening the Court with unnecessary requests for provisional measures, preliminary objections or applications of cases as a pure litigation strategy should be avoided for the common good. Such prudence on the part of States will greatly assist the Court in completing its important work.

The most recent challenge to the Court, however, comes from outside. In this era of proliferating international courts and tribunals, we cannot overstate the importance of the Court's leadership role as the only universal international court with general jurisdiction. The Court is now obligated not only to give the last word as an adjudicator of international disputes, but also to distribute and disseminate its work widely. Judge Higgins, in a recently published article, emphasized the need to keep the legal minds of the international judicial bodies informed of one another's achievements. We take this as down-to-earth but essential advice on how to deal with the challenge of multiple international courts.

Let me conclude by reaffirming, on behalf of my delegation and the Republic of Korea, our steadfast and unwavering support for the untiring efforts of the International Court of Justice to achieve the ideal of peace under law.

**Ms. Zanelli** (Peru) (*spoke in Spanish*): I would like to thank the President of the International Court of

Justice, Judge Shi Jiuyong, for his detailed introduction to the annual report on the work of the Court (*A/60/4*).

The contribution of the International Court of Justice since its establishment to the peaceful settlement of disputes, the development of international law and the prevalence of the rule of law at the international level has been, and remains, crucial. Since the presentation of the last report to this General Assembly, the Court has continued to receive new cases for its consideration. This shows the growing will of States to resolve their disputes peacefully, turning to international law, and it testifies to the confidence that the international community has in the impartiality, independence and professionalism of this jurisdictional body.

Bearing in mind the far-reaching role of the International Court of Justice in the maintenance of international peace and security and its contribution to the attainment of the fundamental purposes of the United Nations through the peaceful settlement of disputes among States, Peru considers it of utmost importance that the Court's jurisdiction be universally accepted. Therefore, we call upon all of those States that have not yet done so to consider acceptance of the Court's compulsory jurisdiction, without conditions. It is precisely with a view to helping the parties to a dispute to resolve it through legal means, through the Court, that in 1989 the Secretary-General's Trust Fund was created to assist States in the settlement of disputes. Its mandate was wisely amended last year, thus considerably broadening the number of potential beneficiaries.

Peru expresses its appreciation to the States that have made contributions to the Fund, and we join in the repeated appeal of the Secretary-General that States, intergovernmental organizations, national institutions and non-governmental organizations that are in a position to make voluntary financial contributions to the Fund do so.

Peru recognizes the importance of justice being administered not only efficiently but also in a timely manner. Therefore, we want to underscore the measures the Court has adopted to rationalize the work of the secretariat to make better use of information technology and to improve its working methods and its rules. Peru urges the Court to persevere in this ongoing effort. Likewise, in connection with management efficiency, we want to underscore the Court's announcement of the beginning of a process to establish a system to assess the professionalism of its staff.

My country also wants to underscore the Court's work in publicizing its activities and its rulings. The distribution of information by electronic means and, in particular, through the Court's web page are important tools for the Court's valuable activities to be widely known, not only by governmental officials and by academics, but also by citizens the world over. Peru commends the Court for this effort, and we encourage the Court to continue to consider options to disseminate more information about its legal work and its rulings, including broader dissemination in the other official languages of the United Nations.

Peru, as a country that has historically shown its strict compliance with international law, will continue to support the International Court of Justice in the fulfilment of the lofty responsibilities entrusted to it by the international community.

**Mr. Hernández** (Mexico) (*spoke in Spanish*): I am pleased to express, on behalf of my delegation, deep appreciation to the President of the International Court of Justice, Judge Shi Jiuyong, for the detailed report that he presented to the General Assembly. In particular, Mexico wishes to highlight the relevant work of the main United Nations legal organ because of its ongoing contribution to the development of international law and to the promotion of justice among States.

My country takes this opportunity to reaffirm its commitment to the objectives that the United Nations sought to attain by establishing within its own structure a jurisdictional body competent to resolve any dispute submitted to it voluntarily by States or to provide any legal consultation needed by the Organization or by one of the bodies of the United Nations system.

Strengthening the international legal regime undoubtedly has a positive impact on the realization of each of the Organization's fundamental principles. It is clear that the exercise we conduct year after year to have an exchange of views between the General Assembly and the International Court of Justice enables us, through frank and direct dialogue, to strengthen the links of cooperation between those two main United Nations organs. We must not forget that both organs have a clear mandate to play an active role in the peaceful settlement of disputes — one from a

political perspective, and the other from a legal perspective.

Studying the report of the International Court of Justice before us today enables us to better understand the important disputes in the international community in various regions and on various subjects. Knowledge of those disputes encourages the General Assembly to follow up on them, mindful of the importance of keeping them in legal channels. The Assembly must always encourage the parties to a dispute to fully respect the Court's decisions.

The significant increase in the number of cases submitted to the Court is an unequivocal and tangible sign of the international community's confidence in and political support for its judicial practice, impartiality and independence. However, that increase has obliged the Court to conduct an ongoing and strict review of its procedural Rules and working methods. My delegation welcomes the fact that the Court has viewed this task of renewal as ongoing and that it has therefore adopted a new and simplified procedure for promulgating amendments to its Rules. Undoubtedly, the Court's commitment to adapting to circumstances will enable it to carry out its work more effectively and will help it to resolve cases in a more orderly and expeditious manner.

Mexico also welcomes the recent amendment to Article 52 of the Rules of Court, which establishes clearer norms for the presentation of Court documentation. The amendment not only clarifies the obligations of the parties to a dispute, but also provides for greater efficiency in the work of the secretariat. Another fundamental aspect of reviewing the Court's report is that it enables us to better understand the legal issues on which the Court rules year after year. A detailed reading of those rulings undoubtedly yields well-founded interpretation of various international legal norms in various fields.

We note that during the period covered in the report, the International Court of Justice resolved 10 contentious cases. In those cases, the Court clarified when it should be considered as having jurisdiction over a dispute, as in the case concerning *Certain Property (Liechtenstein v. Germany)*, and what principles are applicable to the determination of international borders, particularly the validity of the *uti possidetis juris* principle, in the case concerning the *Frontier Dispute (Benin/Niger)*. The Court interpreted the scope of Article 35, paragraph 2, of its Statute as a basis for its jurisdiction, in the case concerning the *Legality of Use of Force (Serbia and Montenegro v. Belgium, Canada, France, Germany, Italy, Netherlands, Portugal and United Kingdom)*.

Another aspect to be emphasized is that in the case concerning the *Frontier Dispute (Benin/Niger)*, the parties decided to submit it to a Chamber of the Court rather than to the plenary Court. That power, envisaged in Articles 26 through 29 of the Statute, doubtless made it possible to resolve the case swiftly and efficiently. The procedure has seldom been used in the past, but its potential to increase the Court's activity should be examined closely both by the Court itself and by the States that decide to submit their disputes to this jurisdictional organ.

An aspect that Mexico considers noteworthy is the insufficient number of States that have accepted the Court's compulsory jurisdiction in accordance with the provisions of Article 36, paragraph (2), of its Statute. My delegation wishes to point out that only one third of the Organization's membership has made declarations in that regard. That undoubtedly constitutes a fundamental limitation to the principle of the peaceful settlement of disputes. In that connection, and in accordance with what was agreed by consensus at the world summit, we urge those States that have not yet done so to consider the possibility of recognizing the Court's jurisdiction in accordance with the provisions of its Statute.

It was agreed at the summit to consider means of strengthening the Court's work, as provided for in paragraph 134 (f) of the outcome document (*resolution 60/1*) adopted by the heads of State and Government. Mexico believes that some of those measures are closely related to strengthening the Secretary-General's mediation efforts and good offices, to which the outcome document also refers in its paragraph 76. In fact, once the Court has ruled on the substance of a matter, the Secretary-General, through his good offices and at the request of the parties involved, should play a more active role in facilitating and ensuring due compliance with the ruling. Such recourse has already been taken, as in the case between Mali and Burkina Faso and, more recently, in the case between Nigeria and Cameroon.

Non-compliance with certain rulings and orders — both of which are binding on the parties, with

no right of appeal — on provisional measures issued by the Court has unfortunately occurred in the past and could occur in the future. Before a case of non-compliance is referred to the Security Council in accordance with the provisions of Article 94, paragraph (2), of the Charter, it would be useful to consider a more active role for the Secretary-General, through the use of his good offices or through other means, to promote and facilitate full compliance with the Court's rulings.

Furthermore, we believe that interaction with other principal organs should not be limited to the Secretary-General, but that the Security Council should also make more frequent use of its powers under Articles 36 and 37 of the Charter to recommend that as a general rule, all disputes of a legal nature be submitted to the International Court of Justice.

The Court's jurisdiction covers all disputes submitted by States for resolution in accordance with international law. The Court also has the authority to issue advisory opinions on legal matters submitted by the General Assembly or the Security Council, or by other United Nations organs and specialized agencies duly authorized by the Assembly or legal issues arising within their respective areas of competence.

Nonetheless, the advisory jurisdiction of the Court has seldom been used. This is why we should bear in mind what President Shi Jiuyong stated in his address to the Sixth Committee on 5 November 2004. It is indeed surprising that in 59 years the Court has only been asked to provide advisory opinions on 24 occasions, a figure that is comparatively lower than the number of opinions expressed by the Permanent Court of International Justice in its 17 years.

President Shi Jiuyong made a few suggestions on the way in which better use might be made of the advisory jurisdiction of the Court. In this regard, he indicated, first, that the possibility of broadening the sphere of application of the advisory jurisdiction *ratione personae* could be considered — in other words, a larger number of international organizations could be authorized to request such opinions. President Shi Jiuyong even suggested that one way of simplifying that possibility would be to request the General Assembly or the Security Council, in view of their broad competence, to act as intermediaries for the international organizations.

Secondly, the President suggested that the Secretary-General be empowered to request advisory opinions at his own initiative. We believe that it would not be necessary to amend the Charter for that purpose. It would suffice for the General Assembly to give a standing authorization to the Secretary-General to that end.

Consideration of the report of the International Court of Justice is also an opportunity to indicate what the Court needs for the adequate fulfilment of its functions. There is no doubt about the importance of the Court's decisions and its influence on the development and implementation of the norms of international law. We are convinced that to facilitate the work of our principal legal organ it is necessary for States to accompany their expressions of support with the adoption of concrete measures that strengthen the Court.

Mexico will support the granting of more resources to the Court and will continue to ensure that it has the tools it needs to fulfil its mandate in the same effective and professional manner as it has to date.

**Mr. Abdelaziz** (Egypt) (*spoke in Arabic*): Allow me, Sir, to thank the President of the International Court of Justice for his detailed briefing and introduction to the report of the Court for this year. It reflects the great importance of the role it plays in promoting international law in international relations.

Egypt wishes to welcome the contributions made by the Court during the reporting period, in particular its main role in attaining the primary goals of the United Nations. The Court plays a pivotal role in developing international law, promoting compliance with its rules, fostering international peace and security and peaceful coexistence among peoples through respect for the rule of law, assisting States in the peaceful resolution of disputes through legal means, and handing down advisory opinions on legal matters submitted to the Court.

There is no doubt that the significant increase in cases and the number of matters before the Court attest to the increasing confidence of the international community in the role of the Court. This corroborates the impartiality, independence and credibility of the Court's rulings that are based on principles of law and are free from any political trend. This role should be reinforced by acceptance of the Court by a growing

number of countries due to the compulsory opinions regarding disputes that it has handed down.

The United Nations is going through an important phase in its development. It is modernizing, and we hope that the Court will play a more effective role in international relations aimed at strengthening the principles of law and justice.

We had believed that the sixtieth session summit document would reflect a definite and clear idea of developing the Court's role — in harmony with new international developments — which has changed since it was created, so that it could live up to the current initiatives, developing the United Nations framework and its working methods and striking the proper balance among the principal organs of the Organization.

However, the negotiations leading to the adoption of the outcome document show that some were hesitant about accepting such ideas concerning the development of the Court's role or about recognizing the true value of its judgments and advisory opinions. Egypt wishes to express its concern about this growing tendency to marginalize the Court, particularly since the value of its judgments and of its advisory opinions is not confined to deciding on certain facts or rules; it is rather a question of enriching and developing international law. There are moral and legal values that should be respected by the international community.

Accordingly, we wish to stress the centrality and importance of the Court's advisory opinions, as requested by the Security Council or the General Assembly. The Security Council, by trying to have political considerations prevail over law, has ignored the Court's role and has not asked for any advisory opinion since the question of Namibia. The question of Namibia was the only one the Council requested. There is now, however, an urgent need for the Council to use the experience of this principal legal organ of the United Nations to strengthen the legal value of its resolutions, which seek to establish international peace and security.

The aforementioned also applies to the General Assembly. We believe that the Assembly should use the Court's advisory opinions to strengthen its capacity to perform its duty in the most perfect manner possible by referring contentious issues to the Court and requesting advisory opinions from it, so that such opinions can be applied, despite the fact that we know that these opinions are advisory in nature and are open to interpretation of binding legal principles that are upheld by international law. They should be taken seriously, particularly the advisory opinion handed down by the Court at the request of the General Assembly on the legal impact of building the separation wall in occupied Palestinian territories. This opinion was a clear, unequivocal interpretation of a major legal principle that we all recognize, which is that it is prohibited to occupy another's territory by force. This advisory opinion has binding legal value, and the Assembly should pursue its implementation within the competence entrusted to it by the Charter.

Likewise, we believe that the General Assembly should consider the submission in due course of a request for an advisory opinion from the Court concerning the degree of legality exercised by the Security Council on certain competences that were originally possessed by the General Assembly, apart, that is, from the Council's pre-eminence in matters of international peace and security. I would mention in particular questions of terrorism, respect for human rights, disarmament and other questions.

We are convinced that this call to strengthen the principles of democracy and the rule of law should in no way be limited to requesting States to comply with them at the national level alone. These principles must be reinforced and complied with by the international community and in international relations. Therefore, the Court is the principal legal organ of the United Nations and is abundantly qualified to play a decisive role in strengthening those principals and to promote and reaffirm law and justice.

However, in order to enable the Court to play that role we, as Member States — whether as part of the General Assembly or the Security Council — must request the opinion of the Court in all contentious legal issues. We need to implement the Court's opinions when they relate to the interpretation of international law pursuant to the United Nations Charter.

Accordingly, we welcome the Court's efforts, as it seeks to improve its working methods, to respond to the growing number and growing complexity of questions, particularly concerning procedural aspects. We think the United Nations reform plan that we are vigorously striving to implement should include strengthening the rules of international law and the authority of the International Court of Justice so that it

can truly accomplish its mission in a world that is undergoing changes, and where some are trying to circumvent the rules of international law or reduce them to serving narrow national interests through efforts that are not in keeping with the higher interests of the Organization or of the world at large.

During the negotiations on the reform of the Organization and the implementation of the decisions of the recent summit, Egypt will be putting forward specific proposals to strengthen the authority of the International Court of Justice, within the context of establishing the necessary balance between the five principal organs of the Organization, in order to make certain that the Organization and the Court remain effective.

**Mr. Kitaoka** (Japan): My delegation would like to thank President Shi Jiuyong for his in-depth report on the current work of the International Court of Justice (A/60/4). We also express our gratitude and support for the considerable achievements of the work of the Court in the past year.

In the present international community, where we continue to witness armed conflicts and acts of terrorism, the reinforcement of law and order is truly indispensable. Indeed, there has been an increasing awareness among nations that international society must embrace the value and the goal of establishing and maintaining the primacy of international law. In that regard, the role of the International Court of Justice, the world's most authoritative international court, cannot be overstated.

As a State resolutely devoted to peace and firmly dedicated to respect for international law, Japan appreciates the strenuous efforts and work of the Court. We believe that the Court is required to display not only a profound knowledge of international law but also an insightful view of the international community, given the fact that the world is going through rapid changes and that international disputes of all kinds are constantly arising. Japan appreciates the Court's capacity to meet those requirements and continues to fully support its work.

We must take note of this year's remarkable accomplishments by the Court, which has reduced the number of cases in the docket from 21 to 12. Considering the serious and much-discussed backlog of cases in the past, the recent level of achievement in processing the cases at hand is worthy of admiration. We expect that the Court will continue to maintain the current pace of its work, without compromising the quality of its deliberations, and contribute to the further strengthening of the rule of law in today's international community.

In conclusion, I would like to reaffirm the great importance that we attach to the lofty cause and work of the International Court of Justice as the principal judicial organ of the United Nations. Japan will maintain its firm support for the invaluable work of the Court.

**Ms. Babemuka** (Kenya): My delegation would like to thank His Excellency, the Honourable Shi Jiuyong, President of the International Court of Justice, for the cogent and comprehensive report contained in document A/60/4, which outlines in detail the work accomplished by the Court over the past year. The report provides a solid basis for our discussion on the agenda item.

The International Court of Justice remains at the centre of the international legal system for adjudicating disputes among Member States of the Organization. Its role, in the pacific settlement of disputes, has contributed greatly, not only to ensuring justice and equity among the community of nations, but also to the maintenance of international peace, order and stability.

My delegation is pleased to note that the Court has continued to discharge its onerous mandate as the principal judicial organ of the United Nations with veracity and diligence. As a result, it has earned for itself the trust and confidence of Member States, as demonstrated by the continued increase in the number and diversity of cases referred to it. We hope that the Court will continue to zealously uphold justice with integrity and fairness in accordance with the United Nations Charter and the Statute of the Court.

My delegation is also pleased to note that the various measures instituted by the Court in 1997 to improve its working methods are beginning to bear fruit. Indeed, the reduction of pending cases — from 20 or more in previous years to the current number of 11 — is a remarkable achievement. The Court must, however, make efforts to sustain that momentum in order to further minimize delays and eventually eliminate the present backlog. In that respect, we call upon the Court to subject its working methods and procedures to regular review in order to facilitate the

necessary improvements and readjustments. We urge Member States to support the Court in that endeavour.

In his report entitled "In larger freedom" (*A/59/2005*), the Secretary-General challenges Member States to consider ways to strengthen the work of the Court. Kenya has a lot of confidence in the Court's ability to resolve disputes, and I believe that view is shared among many Member States. We thus urge increased support for the Court through, inter alia, sufficient budgetary allocations that will enable it to fulfil its statutory obligations. In that regard, we support requests made by the Court for the biennium 2006-2007 and urge Member States to respond favourably to them. We also support the Court's request for the establishment of an additional professional post in its Computerization Division.

The Government of Kenya is grateful for the publications it continues to receive from the International Court of Justice. They provide a useful resource base for research in the area of international law and practice. We look forward to the continued, timely publication of the next series of International Court of Justice reports.

My delegation very much appreciates the efforts to distribute the Court's publications to the major law libraries throughout the world. However, we are concerned that law students in developing countries, particularly in Africa, may be disadvantaged because there are only a few such major libraries in those countries. We therefore call upon the Court to ensure a wider and more equitable distribution of its publications, giving due regard to the needs of developing countries, in particular the needs of law schools in those countries.

We commend the President and members of the Court for their continued interaction with delegations from States parties through various activities, including visits to the Court by presidents and other members of Government, diplomats, parliamentary delegations, members of judicial bodies, scholars and academics, and legal professionals, as well as through the speeches delivered by members of the Court to various forums. Those activities play a significant role in promoting a better understanding of the Court and its role within the United Nations. We urge the Court to widen the scope of such activities.

In closing, I wish to reaffirm that my delegation attaches great importance to the work of the International Court of Justice. Kenya has already declared its acceptance of the Court's compulsory jurisdiction in accordance with article 36, paragraph 2, of the Statute of the Court. However, we are concerned that, of the 191 States parties to the Statute of the Court, only 65 have deposited with the Secretary-General a declaration of acceptance of the Court's compulsory jurisdiction. We therefore encourage States that have not yet done so to deposit their declaration in order to further consolidate the Court's universality. In addition, we urge Member States to make greater use of the Court's advisory functions and, most important, to increase compliance with the decisions of the Court.

**Mr. Stagno Ugarte** (Costa Rica) (*spoke in Spanish*): Allow me, at the outset, to thank the International Court of Justice for its report, contained in document A/60/4, and thank the Court's President, Judge Shi Jiuyong, for his excellent introduction of the report.

Costa Rica fully supports the work of the International Court of Justice as the best mechanism for the peaceful settlement of disputes. Our confidence in that high judicial organ is tangibly demonstrated by our recent referral of a contentious case to the Court. Our recourse to the Court seeks to resolve, in a friendly and peaceful manner, the legal dispute concerning Costa Rica's rights with respect to navigation on the San Juan River. My country is convinced that the Court's decision in that case will resolve in a definitive manner any source of discord and will ensure enduring fraternity and friendship between Costa Rica and Nicaragua.

As the Court's President has just affirmed, recourse to the legal settlement of disputes should never be viewed as an unfriendly act among States. The peaceful settlement of disputes is one of the fundamental pillars of peace and fraternity. In effect, the existence of legitimate mechanisms and procedures to resolve legal differences is essential for the harmonious conduct of international relations. Legal disputes can give rise to threats to international peace and security. Territorial disputes, in particular, can lead to a military escalation. In that context, the International Court of Justice provides a peaceful alternative to the use of force and plays a fundamental role in the society of nations.

In addition, the existence of legal disputes creates an atmosphere unfavourable to international

cooperation. The lack of clear norms and the existence of doubts about rights and obligations create an environment that is not conducive to coordinated development and mutual assistance. The Court's legal activity produces legal certainty, clarifies the basic norms of international law and ensures the rule of law in international relations. In that context, we note the Court's work in the progressive development of contemporary international law. Its jurisprudence, in both contentious cases and advisory opinions, not only determines the law for the parties to a conflict but also enlightens other States with respect to obscure or controversial areas of law.

Regrettably, the Court's constructive work is hindered by the growing number of States that impose reservations or conditions on their declaration of acceptance of the Court's compulsory jurisdiction. It is regrettable that only a dozen countries have accepted the Court's jurisdiction without reservations or conditions. We are also concerned that only 65 States have accepted the Court's compulsory jurisdiction in accordance with Article 36, paragraph 2, of the Statute. Acceptance of the Court's jurisdiction in contentious cases without limitations or restrictions is essential for the proper functioning of the international legal order. For that reason, we urge countries that have not yet done so to accept the Court's unrestricted jurisdiction in contentious cases, and we invite those States that have placed reservations on their acceptance of the Court's jurisdiction to remove them.

My delegation welcomes the fact that a great number of cases have been submitted to the Court. That positive situation reflects the international community's growing confidence in the Court's work, as well as the willingness of States to submit to the principles of law in the conduct of their international relations. We believe that frequent recourse to the Court, as an effective mechanism for the peaceful settlement of disputes, should be encouraged.

However, the growing number of legal cases has increased the institution's workload. We welcome the Court's efforts to rationalize its operations and working methods, including the recent amendments to the Rule of the Court in order to prevent delays in the consideration of cases. We consider it essential that the General Assembly provide the Court with sufficient resources and personnel to allow it to fulfil the new obligations resulting from the increased caseload. For that reason, we view with great interest the request for two additional posts — one in the Computerization Division and the other in the office of the President — contained in the corresponding section of the draft budget for the upcoming biennium.

In addition, I would like to underline the Court's excellent work in disseminating information through Internet. That service is invaluable for developing States, which sometimes have difficulty gaining access to the most recent jurisprudence. We trust that the Court will soon publish the complete texts of all its jurisprudence on its website.

Finally, I wish to reaffirm Costa Rica's full confidence in and firm support for the excellent work of the International Court of Justice.

**Mr. Belinga-Eboutou** (Cameroon) (*spoke in French*): Although it is an annual item on the Assembly's agenda, the present debate on the report of the International Court of Justice (*A/60/4*) has special importance for my country this year. This debate comes at a time when we are celebrating the sixtieth anniversary of the Charter of the United Nations and of the Statute of the International Court of Justice. In that context, my delegation is pleased to take part in a debate that allows the international community to take a look back at the road travelled by the Court, reflect on the Court's future and, above all, pay tribute to its immense contribution to the maintenance of international peace and security.

Allow me at the outset to express to the President of the International Court of Justice, Mr. Shi Jiuyong, our deep appreciation for his introduction to our discussion of the activities of the Court. The Court can be proud of the fact that it has made judicial settlement the jewel in its crown. It can be proud also of the fact, as President Bedjaoui has said, that it continues to ensure that international justice prevails in this new century.

Testimony of this is its participation — at the request of States, of course — in addressing the major concerns facing today's world: security, human rights, the environment and development.

President Shi and his associates take decisions on major issues relating to the sovereignty of States. Their profession is unique. They carry out their work not only with pride but also with great humility. How could it be otherwise, since they know that justice rendered by people for other people is a complex matter,

because deep philosophical issues are involved. Justice handed down by people for States is just as difficult and complicated a matter, given the considerable interests that are increasingly at stake. But, fortunately, President Shi and his associates are profoundly and acutely conscious of that fact.

The report of the International Court of Justice (*A/60/4*) is clear evidence of the importance of the work done by this principal judicial organ of the United Nations, particularly as concerns its evolution over time. For some years now we have been witnessing an exponential increase in the number of cases entrusted to the Court and, correspondingly, an unprecedented increase in its activities. As is stated in the report, 21 contentious cases were pending in the Court last year, whereas in the 1970s it had only a few cases on its docket. Some resolute optimists might see this as evidence of a certain trend towards the triumph of legality over force in international relations. We, for our part, wish to welcome the increasing confidence of the international community in the International Court of Justice as well as the increased recognition by States of the overriding role of the Court in the peaceful settlement of disputes and in the realization of the ideals enshrined in the Charter of the United Nations.

We encourage this trend and express the hope that it will likewise be reflected in an increase in the number of countries that have deposited with the Secretary-General a declaration of acceptance of the compulsory jurisdiction of the Court. Indeed, as stated in the report, as at 31 July 2005, 191 States were parties to the Statute of the Court, but only 66 of them had deposited a declaration with the Secretary-General. The low number of countries having depositing such a declaration is certainly offset by the large number of bilateral or multilateral conventions that contain compromise clauses providing for the competence of the Court in settling differences resulting from their application or interpretation. States may likewise submit a dispute to the Court on the basis of a compromise decision.

The many challenges facing the international community in the early part of the twenty-first century reaffirm more clearly each day the importance of the role of the United Nations and of its principal judicial organ, the International Court of Justice, in the maintenance of international peace and security.

The international community needs the United Nations more than ever before, and it is increasingly seeing the pivotal importance of the ICJ.

While it is necessary, so that the Court can fully play its role, to encourage States to have more frequent recourse to it, we also deem it appropriate to urge States to implement, in good faith and in a timely manner, the decisions of the International Court of Justice. All peace- and justice-loving countries and all countries wishing for harmonious relations in the international community must make the necessary effort to act in that manner and to encourage others to do the same. Notwithstanding all of the pledges and statements of intent made, the Court cannot live up to the hopes of the international community unless its decisions are implemented fully and speedily.

Cameroon believes that the voluntary and speedy implementation of the rulings of the Court is an act of faith in international jurisdiction that renders deeply meaningful and highly significant States' recourse to the Court. What would be the point of agreeing to the compulsory jurisdiction of the Court, of having recourse to the ICJ and of appearing before it if, in the end, its rulings were not implemented?

While recourse to the ICJ very often makes it possible to resolve peacefully differences among States and to dispel tensions and stave off the spectre of war, failure to implement its judgments can have serious consequences for international peace and security.

Concerning the rule of law, Cameroon attaches great importance to the settlement of disputes by judicial means, that is to say, through recourse to the ICJ — once, of course, other methods of settlement have been shown to be ineffective. That position is consistently recalled by our head of State, President Paul Biya.

That is why our country has consistently sought to work to bring about the rule of law, not only within its borders but beyond. That is also why Cameroon has thus far spared no effort in implementing the decision of the Court in its maritime and land border dispute with Nigeria.

At a time when our Organization is involved in thoroughgoing reforms, we must be sure that our efforts take duly into account the crucial role played by the International Court of Justice.

As recently stated by His Excellency Mr. Paul Biya, the President of the Republic of Cameroon, from this very rostrum, the International Court of Justice should play a central role in the institutional machinery of our Organization. It is in all of our best interests.

My delegation welcomes the reforms undertaken by the Court to rationalize and improve its work. We also welcome the enormous amount of work done by the members of the Court during the reporting period, and we congratulate them on their great competence, their diligence and their determination.

We deem it appropriate in order to facilitate the work of the Court to accede to the requests contained in paragraph 255 of the report. We also deem it appropriate to appeal for more significant contributions to the Secretary-General's Trust Fund, which seeks to help States to refer their disputes to the International Court of Justice.

**Mr. Chaudhry** (Pakistan): I wish to thank President Shi Jiuyong for presenting the report of the International Court of Justice (*A/60/4*) on its work during the past year. I also thank him for his briefing on the role and functioning of the Court.

Justice and rule of law are key to an orderly international society. The need for international legal order and justice has never been felt as acutely as today. Justice and fairness have become an integral requirement of modern-day existence.

The Charter of the United Nations, under Chapter VI, offers vast possibilities for the United Nations and its organs to play an important role in the pacific settlement of disputes and conflict prevention. Yet, these possibilities remain grossly under-utilized. There has been a marked increase in excessive and immediate resort to Chapter VII, including on issues that do not necessarily pose a threat to international peace and security.

The International Court of justice occupies a special place in the United Nations system as its principal judicial organ. As the report of the Court notes, it is the only international court of a universal character with general jurisdiction. Article 36, paragraph 3, of the Charter clearly sets out the role of the Court in the settlement of disputes.

Since its inception, the Court has performed its tasks with great skill. However, the potential of the Court as the main forum for the settlement of disputes and for advisory opinions, through its contentious and advisory jurisdiction, remains largely un-utilized. More than 300 bilateral and multilateral treaties provide for the Court to have jurisdiction in the resolution of disputes arising out of their application or interpretation. However, only 66 countries, including Pakistan, have accepted the compulsory jurisdiction of the Court, in accordance with Article 36, paragraph 2, of the Statute of the Court. Recourse to the advisory jurisdiction of the Court has also been quite rare. We will need to consider ways and means to ensure greater utilization of the services that the Court can provide.

On this occasion, I would like to make a few specific comments on the work of the Court. First, we have noted the increase in the Court's workload since 1990, and particularly since 1997. We have also noted the difficulties that the Court is facing in holding hearings in all pending cases directly after the closure of the written proceedings, owing to the increase in the number and complexity of cases before it.

Secondly, we appreciate the continued efforts of the Court to cope with its workload through rationalization of the work of the Registry, greater use of information technology, improvement of its working methods and through securing greater collaboration from the parties in relation to its procedures.

Thirdly, consideration should also be given to some important recommendations regarding the Court contained in "An Agenda for Peace" (*A/47/277*), such as that all States should make more frequent use of the jurisdiction of the Court, consistent with Article 36 of its Statute. When submission of a dispute to the full Court is not practical, the Chambers could be used. Furthermore, consideration should be given to whether the Secretary-General should be duly authorized by the General Assembly to request advisory opinions in matters pertaining to his functions under the Charter.

Fourthly, in the event of non-compliance with the judgments of the Court, Article 94, paragraph 2, of the Charter sets out a procedure for addressing such situations. The Secretary General, through his good offices and upon request of the Party or the Parties concerned, should play an increasingly active role in facilitating and securing due implementation of the judgment.

Fifthly, the Security Council should much more frequently use its powers under Articles 36 and 37 of

the Charter to recommend that legal disputes should, as a general rule, be referred to the Court.

Sixthly, and lastly, we believe that the Court should have at its disposal all the resources necessary to perform the tasks assigned to it. The General Assembly should provide the Court with the resources needed to perform its work effectively and efficiently.

We hope that the General Assembly will give positive consideration to the Court's request in its 2006-2007 budget submission for a new senior Professional post for the head of its Computerization Division.

Allow me to make a few general remarks on this occasion. First, all United Nations Member States should promote the concept of the non-use of force and the peaceful settlement of disputes as the means of achieving collective security, in accordance with the purposes and principles of the United Nations Charter. They should always act in accordance with the principles enshrined in Article 2, paragraphs 3 and 4, of the Charter.

Secondly, the parties to any dispute must assume their responsibilities to settle their disputes peacefully, as required under the Charter, and make the most effective use of mechanisms, procedures and methods for pacific settlement, as described in the Charter. They must show the necessary political will to ensure the success of pacific settlement of disputes.

Thirdly, the idea of the promotion of dialogue among civilizations and a culture of peace could greatly contribute to the maintenance of international peace and security. I would also like to mention in this context the strategy of Enlightened Moderation proposed by President Musharraf of Pakistan to deal with issues such as extremism and terrorism through a broad range of measures at different levels.

Fourthly, Member States should promote the realization by the peoples under colonial and other forms of alien or foreign occupation of their inalienable right to self-determination, freedom and independence, in accordance with the Charter of the United Nations.

The quest to define and, subsequently, to implement justice and the rule of law has been central to the march of civilization. The rule of law can be strengthened if the principles laid down in the United Nations Charter for the pacific settlement of disputes are adhered to, if international human rights norms are applied consistently and if Security Council resolutions are implemented faithfully.

The commitment we make to strengthen and advance the international rule of law will be a lasting legacy for future generations. We stand ready to fully contribute to the work of the Court in the realization of such a commitment.

**Mr. Lobach** (Russian Federation) (*spoke in Russian*): Allow me to echo the words of thanks and gratitude to the President of the International Court of Justice, Judge Shi Jiuyong, for his interesting and comprehensive briefing on the work of the Court. We also agree with the commendation of the Court's work during the period under review.

We emphasize that the Russian Federation has always attached great importance to the work of the Court and to its judgments. We are pleased to note the growing role over the years of that unique body, which is the most effective legitimate mechanism of international justice and which has made an invaluable and steadily growing contribution to the peaceful settlement of disputes between States.

A growing number of States have entrusted complex legal disputes to the Court, increasing the range of issues and geographical scope of matters under consideration. That favourable trend attests to the recognition of the Court's authority, the high level of professionalism of its judges and the legitimacy of its rulings. One of the most urgent priorities at the moment is the comprehensive and unconditional compliance by States with the obligations flowing from the Court's judgments.

In the framework of efforts to strengthen the Court's authority and, in general, the instruments of international law for resolving interstate disputes, the further expansion of the practice of accepting the compulsory jurisdiction of the Court is particularly significant. In response to the 2005 summit outcome, the Russian Federation intends to start actively working on the question of lifting its prior reservations to several international treaties, including in the area of combating terrorism, that recognize the Court's jurisdiction in adjudicating disputes concerning the application and the interpretation of those treaties.

One important aspect of the Court's work is its advisory opinions on various legal questions, issued

upon request by United Nations bodies and specialized agencies. The Russian delegation believes that strengthening the institution of advisory opinions can only be welcomed. We believe that in questions of advisory jurisdiction, the Court should act with circumspection, considering all aspects, including the existence of a bilateral dispute linked to an issue on which an advisory opinion has been requested, particularly in situations where one of the parties to the dispute has not accepted the Court's compulsory jurisdiction. We believe that advisory opinions must not impede the search for a political solution.

We commend the Court administration's consistent policy of enhancing the effectiveness of its methods of work and improving its procedures. We welcome measures taken in recent years to rationalize the work of the Registry, including the greater use of information technology.

In conclusion, I would like to express general satisfaction that questions relating to the funding of the Court's work and to improving its technological capacities are, on the whole, being resolved in a positive fashion. Issues still outstanding in that area include the request of the Court's administration for additional funding for the needed expansion of the use of advanced technology. In the opinion of the Russian delegation, that issue should be resolved quickly so that the Court can perform the job entrusted to it more effectively.

**Mr. Bugaje** (Nigeria): The Nigerian delegation would like to congratulate Judge Shi Jiuyong, President of the International Court of Justice, for the comprehensive annual report of the Court, contained in document A/60/4. We commend the Court for the broad range of activities covered in the report and for its commitment to upholding the values of international law. We also express our thanks for the report of the Secretary-General in document A/60/330.

Nigeria was one of the first States to accept the compulsory jurisdiction of the Court. We note that only 65 States have accepted the Court's compulsory jurisdiction. That is not encouraging, given the fact that United Nations membership now stands at 191 States. Consequently, we call on Member States to accept the Court's compulsory jurisdiction. Indeed, Nigeria's acceptance of the Court's October 2002 decision on the land and maritime boundaries dispute with Cameroon is based on its respect for, and recognition of, the Court.

Nigeria commends the Court's important role in propagating the rule of law within the United Nations system and the international community. One cannot overemphasize the Court's invaluable contribution to international peace and security through its impartial and authoritative decisions as well as its sound advisory opinions.

Nigeria welcomes the increasing confidence of States in the Court's ability to resolve their disputes. Evidence of that is the 300 bilateral and multilateral treaties that accept the Court's jurisdiction in resolving disputes arising from the application or interpretation of those treaties. It is gratifying to note that the Court has disposed of 10 cases during the period under review. It is encouraging that an increasing number of States have recently submitted specific disputes to the Court by special agreement.

Nigeria commends the adoption of the amended Practice Direction V and the promulgation of new Practice Directions X, XI, and XII. We believe that this will enhance the effectiveness and the efficiency of the Court.

We share the concern of the President with respect to the Court's budget. We recall that for the biennium 2004-2005, the Court had specifically requested a modest expansion of its Computerization Division, with the employment of an additional professional officer. Accordingly, we reaffirm our support for adequate funding to enable the Court to meet its needs. In particular, that will help the Court keep pace with advances in modern technology as required for the discharge of its functions.

Finally, I would like to reiterate Nigeria's commitment to the Statute of the Court. We acknowledge the Court's immense contribution to the pacific settlement of disputes between and among States and to the progressive development of international law and the rule of law.

**Mr. Mekdad** (Syrian Arab Republic) (*spoke in Arabic*): At the outset, my delegation would like to express its sincere thanks to Judge Shi Jiuyong, President of the International Court of Justice, for all his efforts to strengthen the rule of international law. I would also like to express my appreciation for his presentation of the comprehensive report of the

International Court of Justice on its work in the past year (A/60/41). The Court is a principal organ of the United Nations for effectively ensuring the rule of law in international relations and the peaceful settlement of disputes in an increasingly complex world.

Syria wishes once again to thank the principal judicial organ of the United Nations for its ongoing contribution to the development of international law and the promotion of justice among States.

Syria underlines the agreement of world leaders at the September summit concerning the importance of the primacy of law within States and in international relations. Syria has long given attention and support to the work of the Court. That is not at all unusual, as our region, and my country Syria, saw the first manifestations of a legal system thousands of years ago.

We affirm that the United Nations Charter governs the conduct of current international relations, and the Court's Statute gives the Court full authority to fulfil that task. That is attested to by the intense judicial work accomplished by the Court in the period covered by the report, which reflects the fact that the Court has become a very dynamic institution. We hope that the Court's activities will be further expanded in the future. The Court's heavy workload is due to the fact that the Court embodies the principle of the equality of States before international law and that the Court is an impartial third party that functions as the guardian of international law, working to maintain a coherent international legal system.

The report of the International Court of Justice, presented by Judge Shi Jiuyong, the Court's President, describes the various cases recently taken up by the Court, the outcomes of those cases and the respect shown by Member States for the Court's decisions.

We thank the Court for its advisory opinions, which represent the truth. Compliance with the Court's advisory opinions means compliance with the law, because justice is not an abstract concept. Implementation of legal principles is what matters.

In that regard, I would like to recall the Court's advisory opinion on Israel's construction of the separation wall in the occupied Palestinian territory. The Court decided that the wall's construction violated international law and that Israel had an obligation to put an end to those violations of international law and compensate Palestinians for the damages incurred by the wall's construction. The advisory opinion also stressed that all Member States are bound not to recognize the legality of the construction of the wall, and that it was incumbent on Israel to abide by international humanitarian law as recognized under the Fourth Geneva Convention. In spite of the Court's advisory opinion that stresses the need that the United Nations, including the Security Council, should take measures to end the illegal status resulting from the construction of the wall, it is unfortunate that the Security Council did not exercise its role owing to the practice of selectivity on the part of some of its members and their protection of violations of international law when it serves their own politics and interests.

Today, the United Nations is undergoing an extremely important reform. It would be wise to extend that reform to the entire Organization, including the strengthening of the Court's role and authority. The High-level Plenary Meeting of the General Assembly in September emphasized the importance of working to that end. It is our hope that Member States will make that objective their top priority so that the necessary balance in the methods of work of the various bodies of the United Nations system can be undertaken.

The International Court of Justice must fulfil its mandate vis-à-vis the work of other organs of the United Nations, including the Security Council, whose agenda has multiplied immensely and has, in some cases, exceeded its area of competence. The fact that some countries discuss the extent of the legitimacy of Security Council resolutions is a clear warning of the urgent need to strengthen the role of the International Court of Justice.

We expect the Court to take up many further cases in the near future, as the Court must do if it is to be an effective judicial instrument at the service of the international community. In turn, we must provide the Court with the necessary financial and human resources to carry out its functions. The proposal to allocate 1 per cent of the Organization's budget to cover the Court's expenses is unacceptable if we are truly serious about upholding the rule of law in international relations. Thus, Syria will support any proposals aimed at improving the financial situation of the Court, including the conditions of the judges' terms. In this context, Syria encourages all States to make voluntary contributions to the Trust Fund.

Syria greatly values the Court and the role it plays and functions it undertakes. Syria commits itself to make all necessary efforts and to cooperate with Member States that believe in the primacy of the law in order to strengthen the Court's role in all its areas of competence.

**The Acting President**: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 74?

*It was so decided.*

*The meeting rose at 1.10 p.m.*

United Nations A/60/PV.40

# General Assembly

Sixtieth session

*Official Records*

**40**th plenary meeting
Monday, 31 October 2005, 10 a.m.
New York

*President*: Mr. Eliasson ..... (Sweden)

*The meeting was called to order at 9.50 a.m.*

**Recent terrorist attacks**

**The President**: Before turning to today's items, I would like to pay tribute to all those affected by the abhorrent terrorist attacks on two marketplaces and a bus in New Delhi, India, on Saturday, 29 October. On behalf of the General Assembly, I offer our deepest sympathy to the people and the Government of India and to the families and friends of those killed or injured. I would also like to extend our sympathy to the victims of other recent terrorist attacks wherever they have been committed.

I now call on the representative of India.

**Mr. Sen** (India): I do not wish to take up the time of the General Assembly, but would just like to say a few words to express our heartfelt appreciation for the President's very kind words of sympathy. This attack has drawn universal condemnation, including from the Secretary-General. The Prime Minister has expressed our determination to continue the struggle against terrorism.

We do not regard this attack as an attack on either the Government or the institutions of the State. It is an attack on ordinary working people, for whom the festival of light is a way for families and civil society to get together. The ordinary working people of India will continue to maintain that in which they have been schooled through millennia, that is, tolerance and harmony among all faiths; at the same time, they will also maintain their unbreakable determination to resist.

As the Assembly is aware, about 60 persons have lost their lives and several hundred others have been injured. Investigations are continuing. Many clues have been unearthed and some arrests have been made. I am sure that the authorities will eventually be able to lay bare who perpetrated these attacks and the organizations that were involved.

On behalf of the people of India and those affected, I once again thank the President very much for his very kind words of sympathy.

**The President**: I am sure that what the representative of India has said underscores the need to continue and intensify our work to conclude the negotiations on a comprehensive convention on terrorism and then, later on during this session of the General Assembly, discuss a strategy on counter-terrorism.

**Agenda item 7 (*continued*)**

**Organization of work, adoption of the agenda and allocation of items**

**Third report of the General Committee (A/60/250/Add.2)**

**The President**: In the first paragraph of its report, the General Committee recommends to the General Assembly that the item entitled "Granting of

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observer status in the General Assembly to the Ibero-American Conference" be included in the agenda of the current session under heading I, entitled "Organizational, administrative and other matters".

May I take it that the General Assembly decides to include that item on the agenda of the current session under heading I?

*It was so decided.*

**The President**: The General Committee further recommends that the item be allocated to the Sixth Committee.

May I take it that the General Assembly decides to allocate that item to the Sixth Committee?

*It was so decided.*

**The President**: I should like to inform Members that the item entitled "Granting of observer status in the General Assembly to the Ibero-American Conference" becomes item 159 on the agenda of the current session.

The Chairman of the Sixth Committee will be informed of the decision just taken by the General Assembly.

In the second paragraph of the same report, the General Committee decided to recommend to the General Assembly that the item entitled "Question of the Comorian island of Mayotte" be deferred to the sixty-second session of the General Assembly and that it be included in the provisional agenda of that session.

May I take it that the Assembly approves that recommendation?

*It was so decided.*

**Agenda item 84**

**Report of the International Atomic Energy Agency**

**Note by the Secretary-General (A/60/204)**

**Draft resolution (A/60/L.13)**

**The President**: It gives me great pleasure this morning to extend a warm welcome to Mr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency (IAEA) and Nobel laureate. On behalf of the General Assembly, I extend our sincere and heartfelt congratulations to him, and through him to the International Atomic Energy Agency, on being awarded the 2005 Nobel Peace Prize for their efforts, in the words of the Norwegian Nobel Committee, "to prevent nuclear energy from being used for military purposes and to ensure that nuclear energy for peaceful purposes is used in the safest possible way". It is indeed well-deserved recognition of his work at a crucial time for the future of disarmament, non-proliferation and the peaceful use of nuclear energy.

Over the years since its foundation, in 1957, the International Atomic Energy Agency and its leadership have shown that, through global cooperation, we can help build a safer world. The Nobel Peace Prize awarded to the IAEA and its Director General is thus a message of encouragement for all of us in the United Nations family. It strengthens us in our belief that multilateralism is necessary in dealing with global threats and challenges, be they poverty, global disease outbreaks, natural disasters, climate change, terrorism or the proliferation of weapons of mass destruction.

The International Atomic Energy Agency was established to promote the peaceful applications of atomic energy for the benefit of humanity while simultaneously guarding against the spread of its use for military purposes. Adapting to new circumstances and needs over time, that mandate has evolved into promoting safeguards and verification as well as safety and security and peaceful applications of nuclear science and technology. Since 2001 it has also emphasized protection against nuclear terrorism and attacks on nuclear facilities.

In a world of much insecurity and mistrust, the International Atomic Energy Agency in recent years has been at the forefront of international efforts to adapt the nuclear-non-proliferation regime to the new challenges of preventing a nuclear black market from emerging and of tackling the proliferation risks related to the increasing demand for nuclear technology, including in particular the nuclear fuel cycle. The work of the Agency in those fields too is an important contribution to making the world more safe and more secure for all.

With that introduction, I am honoured to invite Mr. Mohamed ElBaradei, Director General of the IAEA, to the podium to introduce the Agency's annual report.

**Mr. ElBaradei** (International Atomic Energy Agency): I am grateful to you, Mr. President, for your kind words about the International Atomic Energy Agency (IAEA) and me. As you rightly stated, the Nobel Peace Prize awarded to the Agency highlights the serious challenges we face in curbing the proliferation of nuclear weapons, protecting ourselves against nuclear terrorism and moving forward with our commitment to creating a world free from nuclear weapons. I view the Prize as recognition of the IAEA's ceaseless efforts to ensure that nuclear energy is used exclusively for peaceful purposes and with a high level of safety and security. I also view it as a timely affirmation of the value and importance of multilateral approaches to addressing most, if not all, of the challenges we face in creating a global security system that is inclusive, equitable and effective.

Each year the delivery of the IAEA's annual report to the General Assembly is a time for reflection, but today perhaps more than usual. The year 2005 marks 100 years since Albert Einstein's ground-breaking work began to unlock the secrets of the atom. It is the sixtieth anniversary of the first, and hopefully only, uses of nuclear weapons, at Hiroshima and Nagasaki. And last year marked half a century since a nuclear power plant first supplied energy to the electricity grid in what is now the Russian Federation.

As I begin a new term of office at the Agency, this is also a time for me to review our progress and renew our vision. Today I would like to highlight developments related to each part of the Agency's mission — namely, technology, safety and verification — and then to outline a few objectives for the future.

Over the past few years, we have witnessed considerable change in attitudes towards nuclear energy. Fast-growing global energy demands, an increased emphasis on the security of energy supplies and the risk of climate change are driving a renewed consideration of nuclear power.

Near-term nuclear growth remains centred in Asia and Eastern Europe, which together account for 22 of the 24 units now under construction. The Russian Federation intends to double its nuclear generating capacity by 2020. China plans a nearly six-fold expansion in capacity by the same date. And India anticipates a ten-fold increase by 2022. Elsewhere, plans remain more modest, but it is clear that nuclear energy is re-emerging in a way that few would have predicted just a few years ago.

For a number of years, I have advocated the consideration of multilateral approaches to the nuclear fuel cycle, so as to address challenges posed by proliferation-sensitive operations such as those related to uranium enrichment and plutonium separation. Last year I informed the Assembly of my establishment of a group of senior experts to explore options for multilateral control of fuel-cycle facilities. Their work has helped to shape an understanding of how such controls might be put in place.

Much attention is already being given to the first step, that is, to provide the assurance of supply of nuclear fuel and technology at competitive market prices. By doing so we would remove the incentive for countries to develop indigenous fuel-cycle capabilities. Moreover, given the rising expectation for the expanded use of nuclear power in many countries, those multilateral approaches could, in my view, offer additional advantages in terms of safety, security and economics.

Cancer is a major health concern, and the number of cancer cases is rising — most rapidly in developing countries. Access to life-saving radiotherapy is limited or non-existent in many areas. By way of comparison, consider that in Austria, where the Agency is headquartered, we have approximately one radiotherapy machine for every 270,000 people; whereas for most African countries the ratio is about one machine for every 10 million people, and some countries have no such facilities at all.

The Agency's Programme of Action for Cancer Therapy is working to increase our capacity to assist developing Member States by mobilizing more resources to address personnel, infrastructure, technology and training needs. Addressing the challenge of cancer is an intrinsically multidisciplinary effort. We are, therefore, seeking to build partnerships with key organizations, such as the World Health Organization, in order to achieve a coordinated and holistic approach.

The use of isotopes and radiation in food and agricultural research and development continues to yield rich results. To give just one example, in Peru harsh local environments, characterized by depleted saline soils and high altitudes, have traditionally caused many crops to fail. Through the use of radiation

mutation to create new varieties of barley and rice, and the active involvement of Peruvian farmers in the breeding process, agricultural productivity and income have increased.

Nuclear techniques are also increasingly being used in environmental applications. The Agency's Marine Environment Laboratory in Monaco has become a world leader in the use of radionuclides to track ocean currents, as well as in using isotopes to track carbon dioxide absorption in the ocean's surface, an important technique in the study of climate change.

This year the United Nations Development Programme (UNDP) funded the Agency's coordination of an extensive pollution survey of marine sediments from 35 shipwrecks sunk in Iraq's waterways. The results will help to ensure that salvage operations can be conducted with minimal risk to humans and the marine environment.

Recent years have also witnessed considerable evolution in nuclear safety and security. When I addressed this body just four years ago, I urged greater participation in nuclear-related international conventions, promoted the benefits of all countries using IAEA safety standards and called for the creation of a Chernobyl forum to set the record straight on the effects of the 1986 accident and improve the coordination of remediation efforts. In the week following the 11 September terrorist attacks in the United States of America, the Agency's General Conference issued a resolution calling for a sweeping review of the Agency's nuclear security programme. Since that time, we have made progress on multiple fronts.

The Convention on Nuclear Safety has evolved into a forum for more substantive discussion on safety issues, incorporating feedback and lessons learned from the results of IAEA peer reviews.

I am also pleased to report that IAEA safety standards are receiving increasingly broad acceptance as the global reference for protecting people and the environment against nuclear accidents and harmful radiation exposure. The strong relationship between the Agency's operational safety standards and its safety review services has been an important element in evaluating and enhancing the effectiveness of the standards. I would therefore urge all countries to take full advantage of those services.

I am also pleased to note that, just last month, a report on Chernobyl's legacy was issued. It was based on the extensive work of the Chernobyl Forum, which has provided the best scientific analyses of the health, environmental and social impacts of the 1986 accident. That work reflected the consensus achieved among the relevant United Nations agencies and programmes and the Governments of Belarus, the Russian Federation and Ukraine. The organizations involved are also discussing cooperation on new initiatives to assist local populations with safe food production and improved health care and in regaining control over their own livelihoods.

The International Convention for the Suppression of Acts of Nuclear Terrorism, which was adopted by the General Assembly in April, requires States parties to criminalize the unlawful possession and use of radioactive material and the unlawful use or damage of nuclear facilities. Security Council resolution 1540 (2004), which was adopted last year, calls on all countries to develop and maintain effective physical protection and border controls and to use law enforcement efforts to detect and combat illicit trafficking. And in July, parties to the Convention on Physical Protection of Nuclear Material agreed on major changes that would make it legally binding for countries to protect nuclear facilities and material in peaceful domestic use, in storage and in transport.

I urge all States to fully and promptly implement the provisions of those conventions and resolution 1540 (2004). The Agency stands ready to offer assistance to all States in that regard by providing legal and technical advice, training and peer reviews.

Few areas of the Agency's activities have undergone as much major expansion in so short a period as has our nuclear security programme over the past four years. The events of 11 September 2001 were followed rapidly by the development of a comprehensive nuclear security plan. A Nuclear Security Fund was established, to which our member States immediately and generously began to contribute. In the intervening four years, the Agency has conducted more than 100 nuclear-security field missions. Approximately 1,500 individuals from all regions have received IAEA training in measures related to preventing nuclear and radiological terrorism. The results are tangible: strengthened physical protection at nuclear facilities; recovery and enhanced security for hundreds of high-intensity

radioactive sources, increased security awareness among responsible national officials, better cooperation among international law enforcement organizations, enhanced detection capabilities at border crossings and improved preparedness to respond to incidents.

In the area of nuclear verification, as with other areas of Agency activity, times have changed in recent years. We have clearly made progress on some fronts, but perhaps regressed on others. The Agency's resumption of inspections in Iraq in 2002, the subsequent termination of inspections in the Democratic People's Republic of Korea, our more recent investigation of clandestine nuclear programmes in the Libyan Arab Jamahiriya and the Islamic Republic of Iran, the discovery of illicit nuclear procurement networks, and the lack of agreement at the 2005 Review Conference of the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) have put the spotlight on an unprecedented array of challenges to the non-proliferation and arms control regime.

The Agency's verification system has shown great resourcefulness and resiliency in dealing with many of those challenges. We have rapidly initiated intensive verification efforts in a number of countries and investigated the illicit procurement network. We have strengthened the verification system through enhanced use of satellite imagery, environmental sampling and a variety of new technologies.

As part of strengthening the safeguards system, we have begun applying the so-called integrated safeguards — a more effective approach that combines traditional safeguards with more advanced methods of analysis and enhanced access under the Additional Protocol. We are now applying integrated safeguards in multiple countries, including Japan and Canada, the two largest nuclear programmes under safeguards. We have also adjusted our policy on small quantities protocols to ensure more effective verification in all countries with comprehensive safeguards agreements, and we have established a Committee on Safeguards to examine additional ways and means to strengthen the system.

In dealing with all those verification challenges, we have maintained our objectivity and independence, and thereby strengthened our credibility. In short, the past few years have continued to underscore the central importance of the Agency's role in combating proliferation.

The IAEA's technical cooperation programme continues to be a principal mechanism for implementing our basic mission — "Atoms for Peace" — supporting activities related to a host of nuclear technology applications, as well as safety, security and safeguards activities. We have greatly increased the effectiveness of the Technical Cooperation Programme in recent years by shifting from a technology-driven to a needs-driven approach focused on achieving tangible socio-economic benefits in member States. The current technical cooperation strategy highlights three elements essential for successful delivery of the Programme: strong Government commitment, high quality of technical cooperation projects, and adequate funding.

When I began my second term of office in 2001, I called for increased public outreach to explain the IAEA's contributions in all areas of our work. Little did I realize at that time the degree of public exposure we were to receive.

In the four intervening years, the Agency's public image has been transformed, in large part due to emergent non-proliferation issues, but also due to our own successful efforts to raise public awareness of the important work of the Agency. We have substantially stepped up our Internet presence, we have revitalized our public seminar programme, and we have conducted a series of media campaigns on important topics, including nuclear security, radiotherapy, nuclear power and — earlier this month — the Chernobyl Forum report. The results of those efforts have been significant. The IAEA has moved in the public domain from being a relatively unknown agency to a trusted institution that plays a crucial role in both security and development.

This rapid overview summarizes the many changes that have occurred in nearly every area of our activities in recent years. It also shows the ability of the IAEA to anticipate and respond to change. As we look to the future, we will continue to seek to meet Member States' needs and priorities through both our technical cooperation and regular budget programmes. I would like here to outline some key points for the next few years.

In the area of nuclear power, I would hope that we would focus more explicitly on the need of energy

for development. I was personally reminded of the current global energy imbalance on a recent trip to Nigeria, where per capita electricity consumption is only about 70 kilowatt-hours per year. That contrasts sharply with, for example, the Organization for Economic Cooperation and Development average of 8,000 kilowatt-hours per year. That energy shortage in developing countries is a basic impediment to development.

The IAEA's energy assessment services build a State's capability for energy analysis and energy planning, taking into account the country's economic, environmental and social development needs. Those services treat all energy supply options equally. They are in increasingly high demand, and we hope to expand our capacity to offer them.

The future of nuclear power in the decades to come will, in my view, be a function of technological innovation — the development of new reactor and fuel-cycle technologies — to address nuclear safety, proliferation, waste generation and economic considerations. Many countries are collaborating on innovative nuclear research and development for the longer term. The IAEA International Project on Innovative Nuclear Reactors and Fuel Cycles works to ensure that the future needs of all countries, including developing countries, are considered when innovative nuclear systems are evaluated.

A key feature of modern science is its synergy — the way, for example, in which advances in fields such as nanotechnology, bioengineering and information technology build on each other to achieve greater progress. With that in mind, we will continue to seek out new applications in which nuclear technology can offer tangible benefits to society in the medical, agricultural, environmental and other fields. To ensure that nuclear applications have the maximum positive impact, the IAEA will endeavour to forge more strategic partnerships with other United Nations system organizations, international financial institutions, regional organizations and, above all, member States.

The IAEA will also continue to promote a global nuclear safety regime. That will include better harmonization of national regulatory approaches to ensure at all times high-quality, independent oversight for nuclear activities. It would also include efforts to improve our performance in fixing the so-called weak links in the nuclear safety chain. Although significant efforts have been made over the past two decades to upgrade reactor safety features, with excellent results, facilities still exist at which nuclear safety assistance must be made a priority.

As I mentioned earlier, the Agency's nuclear security assistance efforts to date have been focused, by necessity, on helping States identify and address vulnerabilities, upgrading physical protection, and securing high-priority radioactive sources. But as we continue to build a global nuclear security framework, it is important that we develop a clearer overall picture of remaining security vulnerabilities. For example, we need to improve our understanding of the patterns that characterize illicit trafficking activities in order for Member States to be provided with the information needed to effectively combat such activities.

In the area of nuclear verification, priorities for the coming years include universalizing the Additional Protocol so that its expanded rights of access apply equally in all States with comprehensive safeguards agreements; normalizing safeguards in Iraq; bringing the Democratic People's Republic of Korea back to the NPT regime; providing the required assurances about Iran's nuclear programme; and continuing to investigate the nature and extent of the illicit procurement network. Clearly, too, I would hope, in the next year or so, to make some progress with regard to establishing better control over the sensitive parts of the fuel cycle, namely, enrichment and reprocessing activities.

I would also urge the commencement of negotiations at the Conference on Disarmament on a treaty to ban the production of material for nuclear weapons — the so-called fissile material cut-off treaty. It is essential, in my view, that we take steps to eliminate both access to and production of material for nuclear weapons.

Clearly, much remains to be done. The lack of any agreement at the NPT Review Conference this past May, as I just mentioned, was extremely disappointing, given the urgent and serious challenges we face. In the same vein, it was also disturbing that no agreement was reached on nuclear non-proliferation and disarmament at the world summit last month. The current challenges to international peace and security, including those related to nuclear non-proliferation and nuclear arms control, cannot be wished away. It is urgent and indispensable that we continue to build a

global security system that is equitable, inclusive and effective.

In conclusion, I should like to say that the staff and management of the IAEA continue to do their utmost to make the Agency effective and efficient in carrying out its mission, but in all its areas of activity, the IAEA also remains dependent on the General Assembly's commitment and partnership. I look forward to continuing that partnership in the years to come.

Let me conclude by expressing, as usual, my sincere appreciation to the Government of Austria, which continues to be a most gracious host to the IAEA.

**The President**: We extend our heartfelt congratulations to Mr. ElBaradei and his organization on being awarded the Nobel Peace Prize for 2005.

I call on the representative of Japan to introduce draft resolution A/60/L.13.

**Mr. Amano** (Japan): We have just heard the introductory statement on the report of the activities of the International Atomic Energy Agency (IAEA) for 2004 by Director General Mohamed ElBaradei. The report underlines the significant contribution being made by the Agency to international peace and stability by promoting the peaceful use of nuclear energy and maintaining and strengthening the nuclear non-proliferation regime through safeguards implementation.

As Chairman of the Board of Governors of the IAEA, I have the honour to introduce the draft resolution, contained in document A/60/L.13, on the report of the International Atomic Energy Agency (IAEA). The draft resolution is sponsored by Albania, Argentina, Armenia, Belarus, Belgium, Bolivia, Brazil, Canada, Cape Verde, Chile, the Czech Republic, Denmark, Egypt, El Salvador, Estonia, Finland, Greece, Hungary, India, Italy, Kazakhstan, Kuwait, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Monaco, New Zealand, Nigeria, Norway, Peru, the Philippines, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, the Russian Federation, Singapore, Slovakia, Slovenia, South Africa, Sweden, Switzerland, Thailand, Timor-Leste, Turkey, Ukraine, the United Kingdom and the United States of America. It derives from a requirement pursuant to the Agency's statute and the 1957 Agreement governing the relationship between the Agency and the United Nations.

The draft resolution recognizes the work of the Agency and is the means by which the General Assembly takes note of the statement of the Director General and the annual report, as well as the resolutions and decisions adopted by the General Conference. The draft resolution, which I have the honour of introducing today, reflects a broad agreement among the IAEA's member States and is the result of consultations in Vienna as well as here in New York.

In the past two years, the Agency has adopted a streamlined approach in producing a short and simple draft resolution. The draft resolution before the Assembly lists the relevant resolutions and decisions adopted by the General Conference at its forty-ninth regular session, held in Vienna from 26 to 30 September 2005. That said, let me draw members' attention to the fact that this year's draft resolution differs from the resolutions of the past two years in referring to the awarding of the Nobel Peace Prize to the IAEA and Mr. ElBaradei, and welcomes the reappointment of Mr. ElBaradei to a third four-year term. The award will provide a great boost to the Agency's activities in 2005 and beyond. I find it very timely that, in remembering the use of atomic bombs 60 years ago in August 1945, the Norwegian Nobel Committee has this year highlighted the importance of nuclear non-proliferation.

The draft resolution gives an account of activities in areas of specific interest with the intention of focusing the attention of the Assembly on the most significant activities of the Agency. It is my sincere hope that the present draft resolution will be adopted by consensus.

**Mr. Abdelaziz** (Egypt) (*spoke in Arabic*): Allow me at the outset to join you, Sir, in expressing our sympathy and solidarity with India in the face of yesterday's heinous terrorist attacks there.

On behalf of the members of the League of Arab States, I extend our sincere appreciation to Mr. Mohamed ElBaradei for his important introduction today of the report of the International Atomic Energy Agency (IAEA) on its activities this year.

Before turning to the objective aspects of the report, I wish first to reaffirm the pride we all feel as Members of the United Nations and, in particular as

Arab States, in the awarding to the IAEA and Director General ElBaradei of this year's Nobel Peace Prize. We consider it to be a two-fold recognition of the role of the IAEA and of the remarkable efforts of Mr. ElBaradei to enhance the Agency's activities, contributing to the unanimous decision of its members to reappoint him to his important post. We wish him and the Agency every success in his new term of office.

The Arab States appreciate the Agency's valuable role in strengthening international peace and security through its activities in the field of nuclear non-proliferation. We also recognize the Agency's important contribution to the achievement of international priorities in the field of sustainable development through its activities and achievements in the transfer of nuclear technology, expertise, technical cooperation, verification and nuclear safety.

Technical cooperation in the peaceful uses of nuclear energy is one of the Agency's principal activities, given its direct contribution to the development goals of peoples, especially those in developing countries. The Arab States appreciate the Agency's work in developing and modernizing its technical cooperation strategy to serve the development priorities of its members and in identifying the vital and concrete short- and medium-term contributions that nuclear technology can make. We reaffirm that funding for the Agency's work in technical cooperation and technology transfer must be increased, especially since those activities are main pillars of its work, as laid down in its statute.

In that regard, the Arab States would like to reaffirm their support for, and encouragement of, the IAEA's strategy to focus on projects that provide tangible economic returns. We would also like to welcome the practical steps taken by the Agency towards the early holding of consultations with Member States with regard to the details of the projects that countries would like to propose as well as to the preparation of a framework of action for every State that incorporates projects for future cooperation in the service of national sustainable development programmes.

With regard to verification and safeguards, the IAEA no doubt has a primary role to play in completing the conceptual framework for integrated safeguards. However, the effectiveness of that framework will not be achieved without the universality of its components, at the forefront of which is the universality of comprehensive safeguards. Moreover, the ongoing shortcomings in achieving the universality of the Agency's safeguards will jeopardize our intensive efforts towards eliminating the dangers of nuclear proliferation. The Agency must therefore seek to ensure the universal character of comprehensive safeguards as the main pillar of the nuclear non-proliferation regime. It must also work to bring every country, without exception, under the safeguards regime.

For their part, the Arab States have undertaken many initiatives at the regional and international levels to address the dangers resulting from nuclear proliferation. Since 1974, Arab countries have called for the establishment of a nuclear-weapon-free zone in the Middle East. That call has been the subject of an annual resolution that has been adopted by consensus by the General Assembly since 1980. In addition, through the IAEA, Arab countries continue to call for the implementation of the IAEA's comprehensive safeguards regime at all nuclear installations in the Middle East without exception.

Despite all those initiatives to guarantee security and stability in the region, it is regrettable that Israel has not demonstrated any serious engagement with regard to addressing the issue of nuclear proliferation in the Middle East. It continues to refuse to agree to place all its nuclear facilities under the IAEA's comprehensive safeguards regime. That has had a negative impact on all efforts aimed at dealing with the non-proliferation of nuclear weapons in general, and in the Middle East in particular.

The situation creates a dual responsibility for the international community, namely, to eliminate all the dangers posed to international peace and security by nuclear proliferation and to seek to implement the Agency's nuclear safeguards in the Middle East. In that regard, Arab States call for support for the IAEA Director General's fulfilment of the mandate given to him by the Agency's General Conference to implement the safeguards regime in the Middle East.

Forfeiting the nuclear option, declaring the region a zone free of all weapons of mass destruction and placing all the region's nuclear installations under full-scope IAEA safeguards constitute the first steps towards the building of confidence and achieving

comprehensive peace in our region. This is all the more true given that activities not subject to the Agency's safeguards pose a continuous threat of environmental disasters due either to lax safety procedures or the careless disposal of nuclear wastes, as has been described by numerous reports of United Nations and other international bodies.

With regard to nuclear security, there is no doubt as to the urgent need to support and strengthen the activities and programmes of the Agency aimed at protecting nuclear materials and installations and other radioactive materials from the threat of nuclear terrorism. There is also a need for the Agency to take advantage of the nuclear terrorism agreement that has been signed by over 100 States to date, in order to bring under control those nuclear materials currently under no international supervision or to monitor and to avert the risk of their falling into the hands of terrorists.

Given the foregoing, we would like to reaffirm our position with regard to the production of fissile materials, which is based on the need to place all nuclear materials, including nuclear stocks, under international supervision. We also emphasize the need to conclude an international agreement on this matter as soon as possible.

In conclusion, I would like to express the appreciation of Arab States for the intensive and effective efforts made at Vienna under the leadership of Japan to prepare the draft resolution that will be introduced to the Assembly today. I would also like to reaffirm the continued support of Arab States for the work of the IAEA to strengthen its ability to address future challenges and to reiterate our appreciation and congratulations to the Agency and its Director General for their remarkable achievements in maintaining human security. Those efforts have been crowned with success by the awarding of the Nobel Peace Prize, which they have earned and well deserve.

**Mr. Thomson** (United Kingdom): I have the honour to speak on behalf of the European Union (EU) and the countries that have aligned themselves with this statement: Bulgaria, Romania, Turkey, Croatia, Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Serbia and Montenegro, Iceland, Liechtenstein, Norway, Ukraine and the Republic of Moldova.

Allow me, first of all, on behalf of the European Union, to congratulate the International Atomic Energy Agency (IAEA) and Mr. Mohamed ElBaradei, its Director General, on their well-deserved receipt of the Nobel Peace Prize. That is welcome recognition for the work of the Agency over many years. We would also like to thank Mr. ElBaradei for his statement on the report of the IAEA's activities in 2004. The EU commends the secretariat of the IAEA and its Director General for the excellent work done by the Agency and for the importance of the results achieved last year. The EU member States welcome the outcome of the IAEA's forty-ninth General Conference, which was held in Vienna from 26 to 30 September 2005, and the resolutions and decisions that were adopted at that Conference.

I should perhaps just underline that the EU's member States are all sponsors of the draft resolution (*A/60/L.13*) on the report of the IAEA, and that they fully support the report's content. The draft resolution reflects broad agreement among the IAEA's member States and is the result of consultations in Vienna. In that regard, we commend the efforts of the Chairman of the IAEA Board of Governors and hope that the present draft resolution will be adopted by consensus.

Allow me to briefly touch upon a few elements of the role of the IAEA within the global nuclear non-proliferation regime and its contributions to it, as illustrated by the report submitted to the Assembly under this agenda item.

The EU is fully committed to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and to the three mutually reinforcing pillars on which it is based. On 25 April this year, the EU updated its common position. Our commitment has only been reinforced by the disappointing Review Conference and the inability to reach consensus, at the world summit, on language on non-proliferation and disarmament. These shortfalls in international political will were disheartening to the EU, which made clear throughout the Conference its strong support for a strengthened nuclear non-proliferation and disarmament regime.

The EU considers a nuclear non-proliferation regime of universal character, supported by a strong system of international safeguards, to be an essential prerequisite for collective security. Challenges to the Treaty and to the non-proliferation regime have in

recent years underscored the necessity of full compliance and the need to work actively towards universal accession to the NPT. In that regard, the EU will continue its efforts to maintain the authority and integrity of the Treaty and calls on those States not yet parties to the NPT to join the treaty as non-nuclear-weapon States.

The international safeguards system of the IAEA is an essential part of this global nuclear non-proliferation regime. These technical instruments provide necessary support for the political goal of sustaining an environment in which there can be peaceful use of nuclear energy without the diversion of nuclear material to nuclear- weapon programmes. In that context, the EU recognizes the continued need for a properly funded safeguards system that is both effective and cost-efficient and therefore credible, robust and complied with.

The universal adoption and implementation of comprehensive safeguards agreements, and of Additional Protocols to them, is a prerequisite to an effective and credible safeguards system. In particular, the measures contained in the Additional Protocol are crucial to strengthening the IAEA's ability to detect possible undeclared nuclear material and activities and provide assurance about the absence of such activities. The EU therefore continues to support universalization of the Additional Protocol and urges those that have not yet completed comprehensive safeguards agreements with Additional Protocols to do so as a matter of urgency. The EU considers that comprehensive safeguards agreements, together with Additional Protocols, constitute the current IAEA verification standard.

The NPT confers a set of interrelated and mutually reinforcing obligations and rights on States parties to it. Full compliance with the Treaty and the obligations that derive from it is of fundamental importance. Therefore, the EU reiterates the specific calls by the IAEA for compliance. The challenges to compliance with the safeguards agreements must be addressed in a manner that upholds the integrity of the Treaty and the authority of the IAEA safeguards system, including through referral by the IAEA to the Security Council, as appropriate.

The EU attaches the utmost importance to a high level of nuclear safety worldwide. Although safety is a national responsibility, international cooperation on this issue is indispensable. Nuclear safety is a permanent concern of the international community, and its continuous improvement should be the aim of all IAEA member States. The EU commends the Director General and the IAEA secretariat for having continued to help the member States during the past year to establish and maintain a stringent nuclear-security framework for nuclear installations and materials, and it welcomes the recent amendment to the Convention on the Physical Protection of Nuclear Material. The EU urges States parties to ratify the amended Convention at the earliest opportunity. In addition, we call upon all States that have not yet done so to adhere to the Convention and its amendment, and, until such time as the amendment has entered into force, for all States to act in accordance with the object and purpose of the amendment.

Finally, the fight against terrorism and the proliferation of weapons of mass destruction deserves a specific mention, as it represents a challenge of paramount importance to the international community. The EU member States strongly support all appropriate measures aimed at preventing terrorists from acquiring nuclear weapons. While the primary responsibility for the necessary nuclear security rests with Member States, the IAEA clearly has an essential role to play in preventing and combating nuclear terrorism. In that respect, we look forward to cooperation between the IAEA and the Security Council Committee established pursuant to resolution 1540 (2004). We welcome, too, the work that the Agency is engaged in with member States to address the issue of illicit nuclear trade.

To conclude, we all live in an increasingly interdependent world in which we have to ensure our own and one another's security and safety. At the same time, all of us are under an obligation to continue to ensure appropriate access to the benefits of nuclear knowledge, technology, equipment and materials, as provided for under article IV of the NPT. The IAEA has a central and indispensable role in that arrangement. We are pleased to note the Agency's decision that the monetary award accompanying the Nobel Peace Prize will be used for funding the needs of developing countries in the peaceful application of nuclear energy.

The EU reiterates its full support for the IAEA and is pleased to co-sponsor the draft resolution on the report of the International Atomic Energy Agency that is before the Assembly.

**Mr. Loedel** (Uruguay) (*spoke in Spanish*): I have the honour to take the floor on behalf of the MERCOSUR member States, Argentina, Brazil, Paraguay and Uruguay, and its associated States, Bolivia, Chile, Colombia, Ecuador, Peru and Venezuela, to reiterate our full, active and ongoing commitment to the objectives of the international community in the areas of non-proliferation, nuclear disarmament and the promotion of the peaceful uses of nuclear energy, with a guaranteed right for all States to engage in the research, production and use of nuclear energy for peaceful purposes.

In that regard, we would like to underline the fact that the peaceful development of nuclear energy requires the establishment of an unequivocal environment of mutual trust that can be built only on the basis of fully transparent activities. We believe that it is mandatory for every responsible member of the international community to continue resolutely to make progress towards finding a solution to the problems posed by proliferation in order to ensure safe access for all peoples to the benefits that nuclear energy offers.

Therefore, it is important to highlight the efforts of the Agency and of MERCOSUR and its associated States to establish a strong and effective verification mechanism whose implementation should be rational, not automatic. In that respect, the Agency should be urged to improve the effectiveness of safeguards implementation with a view to achieving, inter alia, a framework of integrated safeguards.

The world is now experiencing a critical and very important phase with regard to the shared objectives that inspire the spirit of the Agency. MERCOSUR and its associated States share that spirit and believe in the free right of every country to responsibly develop the peaceful uses of nuclear energy at every stage and in fulfilment of international commitments. We therefore welcome the new members of the Agency and hope that they can contribute to the search for consensus, which will make it possible to increase transparency, confidence and legitimacy with regard to the decisions taken in that forum.

We are convinced that, in the near future, nuclear energy will have a fundamental role, not only in clean energy production but also in human health, agriculture, industry, food preservation, water desalination and other peaceful applications. Proof of that can be seen in the significant resources that the Agency has devoted to those areas, as reflected in the resolutions adopted at the most recent General Conference and in the policies implemented by many countries at the domestic level.

Special mention should be made of the Common System for Accounting and Control of Nuclear Materials implemented by the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials, which continues to establish parameters for cooperation between the Argentine Republic and the Federative Republic of Brazil. We are promoting the progressive strengthening of cooperation between the International Atomic Energy Agency and the Brazilian-Argentine Agency to ensure effective and more efficient implementation of the safeguards of the Quadripartite Agreement.

Finally, MERCOSUR and its associated States wish in particular to congratulate the Director General and the Agency on the Nobel Peace Prize with which they were rightly honoured a few days ago. That is another demonstration of the great importance of the Agency's tireless work for the sake of a better world and reaffirms the relevance of Mr. ElBaradei's election to continue leading the Agency for a third term.

**Mr. Chaudhry** (Pakistan): On behalf of the Pakistan delegation, I express the heartiest felicitations to Director General ElBaradei and the International Atomic Energy Agency (IAEA) for having received the Nobel Peace Prize. That is well-deserved recognition of the vital work and important achievements of Mr. ElBaradei and of the Agency. We also warmly congratulate Mr. ElBaradei on his reappointment as IAEA Director General for another term. Both the Nobel Prize and his re-election reflect the confidence placed by the international community in Mr. ElBaradei's dynamic leadership in a complex and challenging international environment. We assure Mr. ElBaradei and his colleagues of our full support and cooperation with a view to achieving progress and prosperity for all.

We continue to agree with the Agency's assessment that global socio-economic development needs will require a large increase in the supply of energy in the coming decades. The role of nuclear energy will be crucial in supplying part of that requirement, since nuclear power can serve the goals of sustainable economic growth and environmental protection.

We note with interest that 60 per cent of all new nuclear power reactors are being built in the developing world. The Agency reported last year that 20 of the 31 reactors under construction worldwide were located in Asia and that 19 of the 28 reactors to be connected to the grids were in the Far East and South Asia. The pace of the construction of those reactors could be further increased if most States were not subjected to undue restrictions. The Agency's role in the transfer of safe technology to developing countries has assumed added significance. We hope that the Agency will formulate a comprehensive policy to facilitate that objective.

As one of the earliest members of the IAEA, Pakistan has long been a strong advocate of promoting and harnessing nuclear technology for peace, progress and prosperity for all. We attach the highest importance to the Agency's Technical Cooperation Programme. We have benefited from and contributed to the Programme through training, the provision of experts and the hosting of seminars and workshops. We are pleased to note that the overall implementation rate of the Agency's technical cooperation activities in Pakistan during 2004 achieved a record high of 75.8 per cent. We look forward to the strengthening and expansion of the role of technical cooperation and its contribution to the economic progress of developing countries.

In recent years, Pakistan's economy has experienced a high level of growth. The Government of Pakistan has launched a 25-year energy security plan to respond to that high growth rate and to meet the rising demand for energy. Nuclear power generation is an indispensable element of Pakistan's national energy strategy. By the year 2030, our per capita consumption of electricity is expected to rise to only 3,920 kilowatt-hours (kWh) per year, as compared with the current 13,800 kWh per year in the developed world. With a growing population and an expanding economy, on the one hand, and a projected rise in the share of coal-produced energy from the current 6.5 per cent to 19 per cent in 2030, on the other, our limited fossil fuel resources present the great challenge as we try to strike a balance between pollution and sustained economic growth. Our energy plan envisages a substantial increase in nuclear electricity generation by the year 2030, representing an increase in the share of nuclear energy from the current 0.8 per cent to 4.2 per cent.

For more than 30 years, Pakistan's two nuclear power plants, the Karachi Nuclear Power Plant and the Chashma Nuclear Power Plant — both of which operate under IAEA safeguards — have had excellent operational and safety records. A reliable infrastructure has enabled us to commence work on another nuclear power station, the Chashma Nuclear Power Plant II. As we seek to operationalize our energy security plan, we envisage the importation of nuclear plants and other relevant civilian nuclear technology. Given our record of safety, the application of IAEA safeguards to our civilian nuclear power plants and the strict controls in place for all our nuclear facilities, programmes and technologies, Pakistan expects that the international community will lend its support and cooperation to meet our rising needs for nuclear power generation and its various applications in a number of areas.

Pakistan highly values the commendable role being played by the International Atomic Energy Agency in the development and transfer of peaceful nuclear technology in agricultural, food, human health, water resources management, environmental protection and industrial applications. We share the Agency's view that many of those applications are proving to be important tools in social and economic development around the world.

We are pleased to note that the IAEA-assisted programme to set up a nuclear desalination plant at the Karachi Nuclear Power Plant is making good progress. The desalination plant, which will have a capacity of 1,600 cubic metres per day, should be operational by the year 2007.

Pakistan's four nuclear agriculture centres are engaged in helping farmers to grow and harvest more crops. Our first commercial food irradiation plant is now under construction and should be operational by the end of next year. It is located next to the existing irradiation facility for medical products.

The 13 nuclear medicine and oncology centres operated by the Pakistan Atomic Energy Commission continue to provide facilities to more than a third of a million patients per year. The Government of Pakistan is planning to establish as many as five more nuclear medical centres.

We accord the highest level of importance to the safety and security of our nuclear installations, particularly as we expand our nuclear power generation capacity for economic development. Pakistan has successfully established a strong safety culture in its nuclear activities. We are diligently adhering to the

principles of the Convention on Nuclear Safety, which Pakistan signed at the time of its inception.

We have further strengthened security measures around our nuclear installations to avoid any possibility of sabotage or illicit acquisition or trafficking of nuclear material. We actively participated in the proceedings leading to the amendment of the Convention on the Physical Protection of Nuclear Material. Pakistan was one of the first countries to ratify the Convention on Nuclear Safety and has subjected itself to review by its peers at all three meetings of the contracting parties held since its inception.

Pakistan has taken additional steps to augment the safety and security of nuclear installations and to prevent the proliferation of weapons of mass destruction. Those include effective steps, in cooperation with the international community, to eliminate an underground proliferation network which had tentacles in two dozen countries. We have actively cooperated with the IAEA in that endeavour. We urge other concerned countries to do likewise.

We have wide-ranging security measures for our nuclear and strategic assets. A nuclear command and control authority, responsible for Pakistan's strategic assets, has been in place since the year 2000. Those assets are vital for our strategic deterrence posture. There is no question of their falling into the wrong hands. An independent nuclear regulatory authority is in its fifth year of existence to ensure safe operation of nuclear plants. The authority has received the International Regulatory Review Team and Radiation Safety Infrastructure Appraisal international peer review missions, and has an aggressive action plan to address the recommendations of these missions.

Last year, Pakistan's Parliament promulgated a comprehensive export control act, which further built upon the existing regime to deal with nuclear and biological weapons, materials, goods, technologies, equipment and their means of delivery. Salient elements of our new law include the prohibition of diversion of controlled goods and technologies, including re-export, transhipment and transit; licensing and record-keeping; export control lists; and penal provisions of up to 14 years' imprisonment and a fine of 5 million rupees. We are confident that there will be no proliferation of weapons of mass destruction from Pakistan.

*Mr. Sen (India), Vice-President, took the Chair.*

The safety and verification aspects of the IAEA mandate remain important pillars of the Agency's mandate. As regards the strengthening of the Agency's safeguards system, Pakistan stresses the need for a balanced approach between the promotional aspects and safety- or security-related concerns in all of the Agency's functions.

We support the call for States to fully comply with their respective safeguards obligations. At the same time, the Agency's safeguards should not be used to serve partisan political objectives. Its verification regime will remain credible only if it is applied on a non-discriminatory basis, as stipulated in the Agency's statute. Cooperation and greater understanding is required among all the States members of the Agency to advance the Agency's mandate on the basis of impartiality, equity and professionalism. Efforts are also required to correct the public perception of IAEA as being just a nuclear watchdog agency. Its primary role in the promotion of peaceful uses of nuclear science and technology needs to be re-emphasized.

We remain convinced that the IAEA's activities must conform to its statutory responsibilities, its legal authority and international law. We share the view that the IAEA is not an investigative agency. It cannot be asked to perform tasks that are beyond the scope of its statute or not approved by its membership. Any reform in the Agency should be non-discriminatory and inclusive, and take into account the differentiated nature of obligations of member States.

We also continue to believe that the following measures could help to enhance the Agency's contribution to socio-economic development and to promote nuclear safety and security and its verification role: first, the preservation of its technical nature and preventing the politicization of its agenda; secondly, a greater emphasis on the technical cooperation activities of the Agency and its contribution to the development and practical application of atomic energy for peaceful uses and technology transfers to developing countries; thirdly, the allocation of larger and more assured resources for technical cooperation activities, technology transfer and training facilities for the developing countries; and fourthly, the greater involvement of the developing countries in the design and implementation of technical cooperation projects

and increased outsourcing to developing member States for its Technical Cooperation Programme.

**Mr. Hamidon** (Malaysia): First and foremost, I have the pleasure to convey, on behalf of my delegation, our heartiest congratulations to the International Atomic Energy Agency (IAEA) and its Director General, Mr. Mohamed ElBaradei, on the outstanding achievement of being awarded the 2005 Nobel Peace Prize. Malaysia believes that the award is testimony to and recognition of the great efforts carried out by both the Agency and its Director General in ensuring the safe and peaceful development and use of nuclear technologies. The award is also an acknowledgement of the Agency's role in promoting atomic energy towards peace, health and prosperity. Malaysia is confident that the award will contribute further impetus to drawing more support and strengthening the Agency and its Director General as they further carry out their mandate and objectives in promoting the peaceful uses of atomic energy.

Malaysia continues to recognize the value of nuclear technology for the achievement of sustainable development and the process of nation-building, as well as the role played by the Agency in that regard. We reaffirm our support for the Agency in its mission to promote and facilitate the development of nuclear technology for peaceful uses, as embodied in article II of its statute. In that connection, the Technical Cooperation Programme of the Agency remains a crucial component of its mandate and activities. Malaysia is both a donor to and recipient of the Programme and we commend the Department of Technical Cooperation of the IAEA for its continuous efforts in discharging its statutory mandate for the benefit of recipient member States, as well as for its creditable achievements.

Malaysia believes that the most pressing global security issue facing all nations is the existence and proliferation of weapons of mass destruction. In that regard, Malaysia wishes to underline the need for the nuclear-weapon States to fully comply with all their obligations and commitments under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and to live up to the practical steps agreed to in 2000 on systematic and progressive efforts to implement nuclear disarmament and, eventually, to achieve the total elimination of their nuclear arsenals.

Malaysia also believes that the total elimination of nuclear weapons is of the highest priority and the only absolute guarantee against the use or threat of use of nuclear weapons. Therefore, pending the achievement of the goal of the total elimination of such weapons, efforts to commence negotiations towards the conclusion of a universal, unconditional and legally binding instrument on security assurances should be pursued as a matter of priority.

In that regard, Malaysia regrets that the 2005 Review Conference of the States Parties to the NPT was unable to adopt a final consensus document on substantive issues. Malaysia believes that the NPT regime and its review process should be strengthened and universalized. If nuclear-weapon States parties to the NPT do not continue to take all measures in good faith to dismantle and irreversibly eliminate nuclear weapons, concerns will be raised, especially by non-nuclear weapon States parties, over the relevance of the NPT. Nuclear-weapon States should not assume that the indefinite extension of the NPT in 1995 gives them carte blanche to retain nuclear weapons indefinitely. Non-proliferation activities will not succeed without disarmament by the nuclear-weapon States. Nuclear-weapon States parties cannot ignore the nuclear arsenals of non-States parties to the NPT. Those States must also be brought into the regime so that the NPT can become a truly universal disarmament regime.

Malaysia also believes that the strengthening of the existing nuclear-weapon-free zones and the establishment of new ones in all regions of the world, on the basis of arrangements freely arrived at among the States of the region concerned, constitute a positive step towards attaining the objective of global nuclear disarmament.

From a broader perspective, Malaysia wishes to reiterate that it remains fully committed to the objectives of the non-proliferation of nuclear weapons and other weapons of mass destruction as a step towards general and complete nuclear disarmament, and that it fully condemns all acts of terrorism, including nuclear terrorism, regardless of the motivation of their perpetrators. It was in that spirit that Malaysia joined other States in signing, on 16 September 2005, the International Convention on the Suppression of Acts of Nuclear Terrorism. In addition, the September 2005 meeting of the IAEA Board of Governors also authorized the IAEA Director General to conclude and subsequently implement the

Protocol Additional to the Agreement between the Government of Malaysia and the IAEA for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

Malaysia strongly reaffirms article IV of the NPT, which provides for the basic and inalienable right of all Member States to undertake research on, produce and use atomic energy for peaceful purposes. While fully supporting efforts for the non-proliferation of weapons of mass destruction, Malaysia maintains the principled position that non-proliferation and peaceful uses of nuclear technology should be addressed in a balanced and non-discriminatory manner. While guaranteeing Member States the legitimate right to peaceful uses of nuclear energy, the Agency should also continue its efforts to ensure that nuclear technology is not diverted in such a way as to further any military purpose.

Malaysia, on behalf of the Non-Aligned Movement (NAM), has consistently expressed to the Director General and the secretariat of the Agency the Movement's appreciation for their reports to the Board of Governors of the IAEA. The NAM has reiterated its full confidence in the ability of the Director General and the Agency in discharging their duties and responsibilities in an impartial, effective and professional manner. In this connection, Malaysia believes that the IAEA is the sole competent authority for nuclear verification, in the framework of the Agency's NPT safeguards system, and that all issues or problems should be resolved within the mandate of the Agency.

Malaysia once again expresses its appreciation to Mr. Horacio Bazoberry Otero of Bolivia, President of the IAEA General Conference at its forty-ninth regular session, held in September, and to the Vice-Presidents for their leadership in guiding the General Conference to a successful conclusion. My delegation commends Mr. Richard J. K. Stratford III of the United States for the efficient manner in which he chaired the Committee of the Whole. Malaysia is fully confident that the Director General and the Agency will carefully examine all the decisions and resolutions of the General Conference and make appropriate recommendations with regard to them in due course.

Malaysia once again joins other NAM member States, as well as the Group of 77 and China, in Vienna in expressing confidence that Mr. Mohamed ElBaradei, Director General of the IAEA, will continue to lead the Agency for another term, until 30 November 2009, with a high degree of professionalism and impartiality and with the proper mandate from its policymaking bodies.

Finally, Malaysia joins others in supporting the General Assembly draft resolution under the item before us. Malaysia considers the text to be a procedural one and that the provisions contained therein should remain unaltered, since the text represents broad agreement reached among States members of the Agency in Vienna. Malaysia believes that Member States should avoid any attempt to re-open issues agreed upon at the forty-ninth regular session of the IAEA General Conference in Vienna. If the adoption of the draft resolution is agreed upon by consensus without any change, Malaysia is prepared to add its name to the list of sponsors.

**Mr. Abdelmannan** (Sudan) (*spoke in Arabic*): I should like, first of all, to say that the Sudan fully supports and endorses the statement made by the representative of Egypt on behalf of the Arab Group. I should also like, on behalf of the delegation of the Sudan, to sincerely congratulate Mr. Mohamed ElBaradei on his re-election as Director General of the International Atomic Energy Agency (IAEA) for a third term, as well as on the well-deserved award of the Nobel Peace Prize. We also congratulate all IAEA officials for that award, since the honour bestowed on Mr. ElBaradei is, indeed, an honour for all of them, too.

The Sudan expresses its appreciation of and support for the Director General's report, which is before the Assembly. The report reflects the tireless efforts that have been made by the Agency to guarantee and safeguard the peaceful use of nuclear energy for the well-being of humankind. It also reflects the Agency's efforts to establish a nuclear-weapon-free world.

The Middle East is on the edge of an abyss because of Israel's monopoly on nuclear weapons and its total refusal to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The international community must therefore take all necessary measures to ensure that Israel abandons its nuclear weapons and agrees to join the Treaty immediately.

The use of nuclear technology for peaceful purposes is a right that is guaranteed by the NPT. Given the economic and developmental advantages that such technology brings, my delegation supports the right of the Islamic Republic of Iran to benefit from it within the framework of the Treaty. We call upon the European Union and the Islamic Republic of Iran to base their dialogue on Iran's nuclear programme on principles of credibility and transparency.

My delegation greatly respects and appreciates the activities of the IAEA in Africa. We have seen at first hand the results of such activities in a number of important areas, such as combating malaria and chronic diseases spread by tsetse flies, its work on groundwater in the Nile Basin and elsewhere, and the multifaceted aspects of the African Regional Cooperative Agreement.

My delegation reiterates its approval of and appreciation for the report of the IAEA submitted by the Director General. We also express our support for the draft resolution before the Assembly.

**Mr. Yechury** (India): Let me take this opportunity to convey our heartiest congratulations to Mr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency (IAEA), and to the International Atomic Energy Agency for the award of the Nobel Peace Prize for 2005.

As a founding member of the Agency, India cherishes the recognition by the Nobel Committee of its outstanding contribution to world peace and security. We are confident that, as a distinguished son of a developing country, Mr. ElBaradei will continue to understand the South's problems and its aspirations. An essential feature of the centrality of the Agency in advancing the peaceful use of nuclear energy is the fact that problems that may arise in that regard have to be addressed and resolved within the Agency.

We heard during the course of the deliberations a suggestion that some of the countries that have not joined the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) so far should do so. I wish to reiterate that India remains strongly committed to disarmament and non-proliferation. However, asking us to join the NPT is like tilting at windmills. We continue to regard the NPT as a deeply flawed and discriminatory treaty.

Confidence in the International Atomic Energy Agency is based on its traditions of expertise, professional competence, objective standards and impartial action. It is important that non-discrimination should remain a vital consideration. The scope of instruments should not be subject to reinterpretation without formally amending them. Goal posts should not be selectively shifted beyond legal obligations. We are also not in favour of Member States using technical bodies to conduct foreign policy by other means, since that is contrary to the charters of those bodies, just as we are not in favour of the United Nations Security Council arrogating to itself legislative and judicial powers, since they were never mandated by the Charter and sometimes violate jus cogens.

Global climate change, the sustainability of energy resources, the need to meet ever increasing energy needs in order to support economic development and concerns regarding escalating trends in fuel prices point towards the inevitability of nuclear power. A global nuclear renaissance is now a reality.

India, which has one-sixth of the world's population, is on a rapid economic growth path. A recent study has revealed that we will need to augment our electricity generation nearly ten-fold in the next four to five decades. That would constitute a significant fraction of global electricity generation. Deriving a large fraction of the energy from nuclear power would be of immense benefit in the context of environmental and sustainability concerns for India as well as for the rest of the world. Nuclear energy is thus an important and inevitable option for India. Seeking to realize that objective, we have, inter alia, been pursuing a self-reliant indigenous nuclear power programme. The programme is designed to realize our long-term energy requirements utilizing our vast thorium resources. This is of crucial importance to us, as our uranium resources are modest.

We look forward to a rapid growth in nuclear power generation capacity in India, based on full international civilian nuclear cooperation, as we continue our efforts to develop appropriate indigenous technologies aimed at the realization of the ultimate goal of large-scale utilization of thorium for energy production — not only in the form of electricity but also through the generation of hydrogen.

India is a unique case. It is as a responsible country with advanced nuclear technologies developed in a self-reliant manner and with large-scale energy requirements. Those requirements have ramifications

for protecting the global climate, ensuring sustainability of energy resources and restraining the escalating spiral of fuel prices. India has an impeccable record in terms of non-proliferation of weapons of mass destruction and related technologies and adherence to all its international commitments. We expect that this will, by example, contribute to finally extinguishing restrictive technology regimes. India's willingness to advance civilian nuclear energy cooperation with international partners is based on the principles of sovereign equality and non-discrimination and is consistent with our national policy of maintaining the integrity of our three-stage nuclear energy programme and ensuring the full autonomy of our nuclear programme.

I would like to highlight some of the recent developments in India. The first 540-megawatt (MWe) pressurized heavy water reactor (PHWR) unit at Tarapur has commenced commercial operations about seven months ahead of schedule. Unit I of Kakrapar Atomic Power Station has been operating continuously for more than one year. That is an Indian record. We have now embarked on the development of the fast breeder reactor-based second stage of our programme, with the start of construction of the 500 MWe prototype fast breeder reactor launched in October last year.

The indigenously developed unique plutonium-rich mixed carbide fuel used in the fast breeder test reactor (FBTR) has performed extremely well, having operated past a burn-up of 148,000 megawatt day per tonne (MWd/t) without a single fuel pin failure. One of the important achievements during the year was the closing of the fuel cycle of the FBTR. The FBTR fuel discharged at 100,000 MWd/t has been successfully reprocessed. This is the first time that the plutonium-rich carbide fuel has been reprocessed anywhere in the world.

Construction of five PHWRs is progressing on schedule. Along with the two 1000 MWe light water reactors (VVERs) presently under construction at Kudankulam in collaboration with the Russian Federation, they will contribute 3420 MWe additional carbon-free electricity to the Indian grids in about three years' time.

We have begun developing sites for new nuclear power units and have begun work to identify additional sites for further expansion of the programme.

The design of the advanced heavy water reactor — an innovative Indian design aimed at moving further on the thorium utilization route — is under regulatory review. We intend to proceed further to take up its construction after the review process is complete. Work on the development of a compact high temperature reactor that produces hydrogen, which could be the most important energy carrier in the future, as well as the development of accelerator-driven systems that could sustain growth with thorium systems and enable incineration of long-lived radioactive wastes, is progressing well. The development of the laser-based uranium-233 clean-up system, a crucial element in the thorium utilization programme, has made significant progress. The steady state superconducting tokamak (SST-1) will soon be given its first plasma shot. We are looking forward to joining the International Thermonuclear Energy Reactor project involving nuclear fusion, as a full partner.

The International Atomic Energy Agency plays a vital role in the peaceful uses of nuclear science and technology in a safe and secure manner. As in the past, we have been working in close partnership with the Agency. Our experts are involved actively in the Agency's International Project on Innovative Nuclear Reactors and Fuel Cycles (INPRO). India has committed itself to carrying out an INPRO joint study for the assessment of an innovative nuclear energy system based on high temperature reactors for the production of hydrogen using the INPRO methodology.

India continues to offer training facilities, fellowships, and scientific visits, among other things, and to provide the services of our experts to other countries through the Agency. In the area of nuclear safety and security, India has ratified the Convention on Nuclear Safety and participated in the third review meeting of the Contracting parties held in April, as an observer. We also took an active part in the process to amend the Convention on Physical Protection of Nuclear Material.

India, the United States and the IAEA have established a Regional Radiological Security Partnership programme. Within that framework, India offered to provide infrastructure and expertise on a regular basis for conducting international training courses in India under the aegis of the IAEA on issues relating to the security of radioactive sources and materials and to locating orphan radioactive sources in

countries that are unable to deal effectively with such sources and have sought assistance from the IAEA.

I wish to conclude by reiterating that the Agency is a unique multidisciplinary organization in the United Nations family. Together we should ensure that it grows from strength to strength.

**Mr. Kryzhanivsky** (Ukraine): On behalf of my delegation, I would like to thank Mr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency (IAEA), for his statement on the Agency's report for 2004 and for the information he provided on the main developments in the activities of the IAEA in 2005. The IAEA's annual report gives us a clear and analytical picture of the broad range of significant results of the Agency's activities and its recent achievements in the fields of nuclear technology, safety, verification, security and management. Ukraine commends the IAEA secretariat and its Director General for their work. Allow me also to congratulate the IAEA and its Director General on their well-deserved receipt of the Nobel Peace Prize.

Ukraine fully associates itself with the statement made by the representative of the United Kingdom on behalf of the European Union. I will thus confine myself to addressing those issues to which Ukraine attaches particular importance.

The existence of weapons of mass destruction represents one of the greatest threats to international peace and security. Nuclear non-proliferation and disarmament cannot be considered separately and every effort should be undertaken to pursue the reduction of the nuclear threat.

It is regrettable that the 2005 Review Conference of the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) failed to achieve a substantive outcome. We are convinced that the non-proliferation Treaty should continue to play an irreplaceable role in nuclear proliferation prevention, nuclear disarmament and the peaceful use of nuclear energy. For Ukraine, the practical steps for nuclear disarmament that were agreed upon at the 2000 NPT Review Conference remain important. Recent developments in the field of nuclear non-proliferation emphasize the need to strengthen the NPT regime in order to maintain the authority and integrity of the Treaty.

The International Conference on Nuclear Security, held recently in London, noted that nuclear terrorism is one of the greatest threats to society and recognized that the IAEA has a leading role to play in the global efforts to improve the nuclear security framework and to promote its implementation. Ukraine underscores the significance of the safeguards system and of the importance of the work of the Agency in the implementation of the NPT safeguards provisions with a view to preventing the diversion of nuclear energy from peaceful uses to military purposes, detecting covert weapons activities and reducing the risk of nuclear and radiological terrorism. Recent developments have clearly demonstrated the necessity to make concerted efforts for the further enforcement of compliance with safeguards and addressing new proliferation risks and challenges. We therefore welcome the IAEA Board of Governors' decision to establish a Committee on Safeguards and Verification and state our readiness to actively contribute to its activities.

Ukraine fully endorses measures envisaged under the Additional Protocol. The preparatory activities for the ratification by Ukraine of the Protocol are under way. We expect the Parliament of Ukraine to ratify the Protocol later this year.

Ukraine reiterates its support for Security Council resolution 1540 (2004) against the proliferation of weapons of mass destruction, which instructs all Member States to enact effective domestic controls to prevent such proliferation. Recently, at the United Nations world summit, Ukraine signed the International Convention for the Suppression of Acts of Nuclear Terrorism. Ukrainian authorities have also started the process of ratification of the amendments to the Convention on the Physical Protection of Nuclear Material.

As regards unresolved compliance matters, Ukraine is pleased to note that the most recent six-party talks, aimed at finding a solution to the nuclear issue on the Korean peninsula, resulted in a joint statement. We are confident that a successfully negotiated settlement of that long-standing issue, maintaining the essential verification role of the IAEA, would be a significant accomplishment for international peace and security.

Ukraine recognizes the right of Iran to make peaceful use of nuclear energy. At the same time, we

support the IAEA's efforts aimed at providing credible assurances regarding the peaceful nature of Iran's nuclear programme. In that regard, Ukraine calls upon Iran to cooperate fully with the Agency and to implement the relevant Board of Governors' resolutions.

Next year will mark the twentieth anniversary of the Chernobyl catastrophe, which had a serious political impact and changed attitudes to nuclear energy all over the world. International regulations and standards for radioactive protection, national strategies for nuclear energy development, and safety and radioactive waste management measures have been substantially revised. We believe that, 20 years after the accident, it is now important to analyse the effectiveness of measures taken, to review the work accomplished over the past decades, and to outline an action plan for future.

Ukraine commends the outcome of the IAEA International Conference, held under the rubric "Chernobyl — Looking Back to Go Forwards" in Vienna on 6 and 7 September this year. The report on the Chernobyl legacy constitutes a set of authoritative documents on the health, environmental and social impacts of the tragedy, reflecting the consensus achieved among the relevant United Nations agencies and the Governments of Ukraine, Belarus and the Russian Federation. We express our gratitude to the IAEA Director General for his call for the creation of the Chernobyl Forum and his support of its activities.

In April next year, the Government of Ukraine will hold an international conference under the rubric "Twenty Years After the Chernobyl Accident — Future Outlook". We highly appreciate the readiness expressed by the Agency and relevant international organizations to contribute to the convening of that conference. Ukraine will also initiate a special commemorative meeting of the General Assembly on the twentieth anniversary of the Chernobyl catastrophe in April 2006. I take this opportunity to invite representatives from all interested countries and organizations to take part in the conference and the General Assembly meeting and to contribute to their work.

**Mr. Owoeni** (Nigeria): On behalf of the Nigerian delegation, I wish to join others in extending our warm congratulations to the International Atomic Energy Agency (IAEA) and its Director General, Mr. Mohamed ElBaradei, on their well-deserved award of the 2005 Nobel Peace Prize, announced earlier this month. The joint award is a tribute both to the Agency's credibility and accomplishments in the areas of non-proliferation and the peaceful use of nuclear technology, and to the integrity, versatility and leadership qualities of Mr. ElBaradei at the head of the Agency over the past eight years, since 1997.

By the same token, in our capacity as Chair of the African Union, Nigeria also wishes to congratulate Mr. ElBaradei, an illustrious son of Africa, on his recent re-election by the IAEA Board to a third term in office and his endorsement by the General Conference. Nigeria believes that both his unanimous re-election to a third term and the awarding of the Nobel Peace Prize not only demonstrate the confidence of the international community in Mr. ElBaradei's ability and effectiveness, but could also reinvigorate his commitment and dedication to the ideals of the IAEA, as well as the aspirations of Member States for objectivity and clear-sightedness in the discharge of his duties to the global community.

My delegation is pleased to take note of the annual report of the IAEA for 2004, and the statement by the Director General this morning to the General Assembly concerning the major developments in the Agency's activities during 2005. The Director General and his staff deserve our commendation for their excellent service.

The Government of the Federal Republic of Nigeria remains committed to the three main pillars of the Agency's mandate and activities — namely, cooperation for peaceful nuclear technology, safeguards and verification. We cannot but agree with the United Nations Secretary-General's message to the 49th General Conference of the IAEA in September 2005, which stated that the Agency plays a vital role in the maintenance of international peace and security and the promotion of development.

The international community recognizes and relies on the global independence, technical competence and impartial verification capacity of global non-proliferation efforts. It looks to the IAEA to promote safe and peaceful uses of nuclear science and technology, which are important tools for social and economic development. We applaud the Agency's continued fulfilment of this role as a catalyst for development of nuclear technology by the developing

countries and as an agent for maintaining the safe use of nuclear energy.

As a developing country, Nigeria attaches great importance to the Agency's scientific and technical work in the transfer of peaceful nuclear technology applications, particularly in the areas of energy, health, agriculture, water management and environmental conservation.

In the area of nuclear power, the Nigerian Government keenly looks to the IAEA for active collaboration in the years ahead to achieve energy for our development. As a country of over 120 million people, but with a per capita electricity consumption of only about 70 kilowatt-hours per year — in sharp contrast to the Organization for Economic Cooperation and Development average of 8,000 kilowatt-hours per year — Nigeria's energy requirements clearly point to a radical shift in favour of nuclear power. Such a shift would serve to alleviate the serious energy shortage currently impeding our development and assist the Government's efforts to achieve the Millennium Development Goals to eradicate poverty and hunger.

Mr ElBaradei's visit to Nigeria in January 2005 clearly brought these problems and challenges into sharper focus and heightened the attention of the international community concerning the pressing need for defining a new agenda for extending IAEA cooperation to Nigeria in the generation of electricity, based on nuclear technology. To that end, my Government has established appropriate nuclear legal and regulatory frameworks, as well as safety, security, safeguards and physical protection measures, in global transparency. They are being incorporated under the Agency's technical cooperation projects scheduled for Nigeria's Country Programme Framework for 2006 to 2011.

What applies to Nigeria's quest for reliable nuclear power generation also applies to other areas of nuclear technology and applications. Access to life-saving radiotherapy for cancer treatment, research and development to enhance food yields and agricultural production, nuclear technology for safe drinking water and seawater desalination, use of the sterile insect technique (SIT) to eliminate tsetse flies, and nuclear techniques to create a safer environment are all areas of application that are germane to the socio-economic development of the developing countries with teeming but needy populations, including Nigeria. That is why we fully endorse the Agency's approach to develop support for domestic institutions, to develop national and regional infrastructures and to build human capabilities in those areas.

The African continent has benefited from the Agency's capacity-building in applying SIT for the eradication of tsetse flies and other pests. The Agency's support through the African Union's Pan-African Tsetse and Trypanosomiasis Eradication Campaign is happily yielding results, and Africa has begun to take effective ownership of the programme. We call for sustained IAEA cooperation in those important areas.

Nigeria is also grateful to the IAEA for the technical assistance being rendered to Nigerian experts under various training schemes, including scientific visits to the Agency's Marine Environment Laboratory in Monaco — which I myself had the opportunity to visit recently — as well as to the laboratories in Seibersdorf, near Vienna. We urge the Agency to continue and intensify its efforts to make peaceful nuclear technology and its applications available to the developing countries, without discrimination, as part of their inalienable rights under the Non-Proliferation Treaty (NPT).

At this juncture, the Nigerian delegation would like to make three pertinent observations on other areas bearing on the Agency's work. The first is the issue of non-proliferation vis-à-vis the disappointing failure of the 2005 NPT Review Conference in May this year. The Nigerian delegation considers nuclear non-proliferation and disarmament as two sides of the same coin that must be pursued with equal vigour in order to facilitate the IAEA's safeguards regime and the Agency's role as watchdog in the development of nuclear technology for peaceful purposes.

My delegation believes that the vertical and horizontal proliferation of nuclear weapons, the qualitative sophistication of nuclear arsenals, the development of a new generation of nuclear weapons, the glorification of the possession of such weapons, as well as the development of doctrines for their use in warfare, cannot all be compatible with nuclear non-proliferation, nor, ultimately, will the work of the Agency itself mix with the maintenance of international peace and security, which must be achieved for all countries, large and small. We believe that as long as nuclear weapons exist and are stockpiled by some

nations for their narrow security interests, exhortations about non-proliferation will continue to ring hollow.

Secondly, the Nigerian delegation is disturbed by the recent report by the IAEA's Illicit Trafficking Database that nuclear trafficking incidents are on the increase globally. About 121 incidents were reported to the Agency in 2004, some of which involved weapons-usable highly enriched uranium or plutonium being smuggled across national borders. As part of the group of developing countries with porous borders, Nigeria is concerned that radioactive materials not fall into the hands of terrorists or other criminals for malicious purposes that could cause harm to human health, endanger population centres or produce severe environmental or economic consequences, as the Agency's report warns. We therefore call upon the IAEA and the international community to rise to the challenge to effectively control and secure nuclear material and nuclear facilities globally, and to offer technical training to the developing countries to detect and interdict radioactive sources at their borders.

Thirdly, my delegation attaches utmost importance to the issue of staffing at the Agency, in particular the need to recruit staff with a wide geographical distribution and to increase the number of staff from the developing countries, and to ensure fair gender representation in the Agency's professional cadres. A careful look at the present staff disposition of the IAEA still shows unfair and disproportionately low representation from developing countries, Africa being on the lowest rung of the ladder. Also, the IAEA has the lowest number of women professional staff of the entire United Nations system, with women professionals from Africa, again, at the bottom of the list.

Nigeria therefore calls upon the IAEA to move expeditiously to rectify this gross anomaly by making a deliberate effort to seek out applicants for scientific and engineering positions from the developing countries, as well as encouraging women to apply for reserved positions, including the administrative cadres at the Agency's headquarters. These measures, if implemented, would expand the vistas of opportunity to the developing countries in the development of their human resources in nuclear technology through the acquisition of appropriate expertise, and would give equitable representation to unrepresented and underrepresented member States of the IAEA, most of which belong to developing countries in Africa and elsewhere.

In conclusion, my delegation reaffirms its full support for the indispensable role of the Agency in facilitating the development and practical application of atomic energy for peaceful purposes, in technology transfer to the developing countries and in nuclear safety, verification and security. We therefore call for continued international cooperation with the Agency in order to carry out its core mandate and related activities. Because of the tangible benefits of peaceful nuclear technology to human society, we must all strive to contribute to and strengthen the Agency in the crucial role it plays in global security and development. Hence, my delegation has decided to co-sponsor the draft resolution on the International Atomic Energy Agency (A/60/L.13) introduced by Japan.

**Mr. Hu Xiadi** (China) (*spoke in Chinese*): First, the Chinese delegation would like to thank Mr. ElBaradei, Director General of the International Atomic Energy Agency (IAEA), for his detailed report on the work of the Agency during the past year. We note that, with the concerted efforts of the secretariat and all member States, the Agency undertook a considerable amount of work in the past year and scored remarkable achievements.

We would like to take this opportunity to congratulate the Agency and its Director General on being awarded the Nobel Peace Prize for 2005. We hope that, with the support of all member States, the Agency will play an even more positive role in promoting the peaceful uses of nuclear energy and preventing the proliferation of nuclear weapons.

Over the past year, China, in furtherance of its commitment to promote the peaceful uses of nuclear energy and prevent the proliferation of nuclear weapons — two objectives enshrined in the statute of the Agency — took an active part in various activities of the Agency. In the field of the peaceful uses of nuclear energy, Chinese has cooperated extensively with the Agency and other Member States with fruitful results. In September 2004, in addition to timely payment of its assessed technical cooperation contributions, China made a voluntary donation of $1 million in support of the Agency's technical cooperation activities in Asia and Africa.

In October 2004, China, together with the Agency, hosted in Beijing an international conference on nuclear facility safety, which addressed approaches to enhancing the safety of nuclear facilities in the light of the latest developments.

On 7 April 2005, China and Bangladesh signed an agreement on the peaceful uses of nuclear energy. The 13th International Conference on Nuclear Engineering was held in Beijing from 16 to 20 May 2005. Furthermore, France and China signed the Fourth Minute of the Meeting of the China-France guidance and coordination committees on nuclear energy in Beijing on 19 May 2005.

In the field of nuclear non-proliferation, China strongly supports the Agency in its efforts to enhance the effectiveness and efficiency of its safeguards regime. In June 2004, China joined the Nuclear Suppliers Group. China welcomes the adoption by consensus of the relevant amendments at the Conference to Consider and Adopt Proposed Amendments to the Convention on the Physical Protection of Nuclear Material, from 4 to 8 July. China is committed to ratifying the amendments to the Convention as soon as possible.

Following China's publication in 2003 of its white paper on non-proliferation policy and measures, China issued a new white paper, entitled "China's endeavours for arms control, disarmament and non-proliferation" on 1 September 2005, giving a comprehensive description of China's policies, positions and actions in the fields of arms control, disarmament and non-proliferation. That is a clear demonstration of China's resolve and sincerity regarding non-proliferation.

I would like to take the opportunity to briefly introduce China's positions concerning the nuclear issue of the Korean peninsula, as well as the Iranian nuclear issue. At the fourth round of the six-party talks concluded on 19 September, China, the Democratic People's Republic of Korea, Japan, the Republic of Korea, the Russian Federation and the United States engaged in serious and practical discussions concerning the denuclearization of the Korean peninsula. Agreement was reached on the over-arching goal of the six-party talks and a joint statement was issued. The positive result achieved in that round embodied the political will of the leaders and Governments of the six countries to resolve the nuclear issue through dialogue. That result is also the product of over two years of intensive negotiations and unremitting efforts. That achievement was not easily arrived at and must be treasured.

At present, the parties concerned have reached agreement on the ultimate goal and basic principles of the six-party talks, laying down a good foundation for pushing the talks forward. However, the nuclear issue on the Korean peninsula is complicated. A thorough solution will involve a difficult process. There is still a long way to go for the six-party talks and many difficulties still lie ahead.

China will, as always, firmly support a peaceful resolution of the nuclear issue on the Korean peninsula through dialogue. It will promote the six-party talks and will continue to play its proper role. We will continue working together with all parties concerned, as well as the international community at large, for the ultimate realization of the denuclearization of the Korean peninsula and the maintenance of peace and stability on the peninsula and in north-east Asia.

Concerning the Iranian nuclear issue, China has continued to advocate an early and appropriate solution within the framework of the Agency and has supported the pursuit by the European Union (EU) and Iran of a long-term solution through dialogue and negotiation. We believe such an approach will be conducive to preserving the international nuclear non-proliferation regime, and peace and stability in the region.

Developments since the Board of Governors of the Agency adopted the resolution concerning Iran in September have caused greater concern. Nevertheless, there is still room for the issue to be resolved within the framework of the Agency. The international community should not give up on efforts in that regard. It is imperative that the EU and Iran resume negotiations as soon as possible. We hope that both sides will remain patient, demonstrate flexibility and take initiatives to create conditions for the resumption of negotiations. China will continue to make use of all available opportunities to promote such negotiations actively and will continue to play a constructive role towards the ultimate and appropriate resolution of the Iranian nuclear issue.

**Mr. Chowdhury** (Bangladesh): Mr. President, as your friend and colleague it is a pleasure for me to see you in the Chair.

I wish to take this opportunity to applaud the Director General of the International Atomic Energy Agency (IAEA), Mr. ElBaradei, for his relentless efforts to conduct the business of the Agency in accordance with its statute. The awarding of the 2005 Nobel Peace Prize is indeed a fitting recognition of his and his Agency's work. We also view it as a vindication of his stance to maintain the independence, objectivity and impartiality of the work of the Agency. We also thank him for his erudite presentation earlier today.

Bangladesh is convinced that the peaceful uses of nuclear technology, with the IAEA safeguards and verification regimes in place, would immensely contribute to our common endeavour to achieve sustainable development. In addition to electricity generation, nuclear technology may help tackle some old as well as contemporary development challenges that we confront. Those are related to hunger, disease, natural resource management, environmental pollution and climate change.

It is a matter of satisfaction that the Agency has been playing an ever-increasing role in the application of nuclear technology for peaceful purposes. It has done so while maintaining strict standards for safety.

We believe that nuclear energy, when produced in accordance with safety and environmental procedures, can be a useful way of meeting the increasing energy demand worldwide. The initial installation cost of a nuclear power plant may be high, its operating costs, however, are relatively low and stable. That renders it an attractive option. It is heartening to know that the IAEA is extending technical assistance to developing countries in that regard, including by training local experts.

Bangladesh welcomes the Agency's Programme of Action for Cancer Therapy (PACT). The enhanced and effective use of nuclear medicine in cancer management, we hope, would bring benefits to millions. That is particularly true of the developing world, for instance, through the early diagnosis and treatment of cancer. The training of professionals in member States would be critical for the success of PACT.

Water resources management is a priority issue for all of us. 2003 was designated the International Year of Freshwater. Now we have declared 2005-2015 the International Decade for Action, "Water for Life". We to highlight the critical linkage between water and human development at all levels. The IAEA, we believe, can play a significant role in that regard by promoting the use of isotope technology for the protection and management of surface water and groundwater.

Article IV of the NPT guarantees the inalienable rights of all States parties to the NPT to develop research, production and use of nuclear energy for peaceful purposes. Those are to be without discrimination and in conformity with articles I and II of the Treaty. The NPT thus obliges States parties to cooperate among themselves in the matter of exchange of equipment, materials and scientific and technological knowledge and information on the peaceful uses of nuclear energy, on condition that the provisions of articles I and II are complied with by the nuclear-weapon and non-nuclear weapon States, respectively.

It is disconcerting to note that undue restrictions on exports to developing non-nuclear-weapon countries of material, equipment and technology for peaceful purposes persist through measures incompatible with the provisions of the Treaty. Those barriers must be removed. We wish to underscore the need for the IAEA, under its statutory obligations, to continue to pursue the goals of technical cooperation in the peaceful applications of nuclear energy as one of the three pillars of its activities.

We wish to recall that the IAEA is entrusted with putting in place necessary safeguards and verification regimes, and monitoring their compliance in conformity with the obligations of the States parties to the NPT. We are disappointed that extraneous reasons are being employed by some nuclear-weapon States to deny the rights of non-nuclear-weapon States to the peaceful uses of nuclear energy and technology. That happens even in their pursuit of sustainable development. There must be no attempt to use the IAEA Technical Co-operation Programme as a tool for political purposes. Bangladesh calls upon all concerned to engage in constructive dialogue in order to implement the provisions of articles I, II and IV in an environment of trust and confidence.

Bangladesh's unflinching commitment to nuclear disarmament and non-proliferation is well known. We are party to the NPT and the Comprehensive Nuclear-Test-Ban Treaty. We call for their universalization. We

believe that the greatest threat to humanity comes from the continued existence of nuclear weapons and of their possible use or threat of use, and also that the best guarantee against nuclear weapons proliferation lies in their total elimination.

We are concerned at the general inertia existing in the entire disarmament machinery. The Conference on Disarmament has once again failed to agree on its programme of work, stalling its substantive work. The Disarmament Commission, too, could not agree on an agenda for its substantive session.

It is in that perspective that the failure of the 2005 Review Conference of the States Parties to the NPT was a huge disappointment to us. We believe, however, that our disagreements about how to proceed during the Review Conference have not in any way weakened our achievements of 1995 and 2000. Those decisions were adopted by consensus. We must therefore implement what we agreed upon, particularly the 13 practical steps for the systematic and progressive implementation of article VI of the NPT. We believe that those 13 practical steps continue to be the performance benchmark for the nuclear disarmament process. Nuclear proliferation, both vertical and horizontal, must be dealt with in a comprehensive manner.

Negative security assurances are vital to the strengthening of the NPT. They discourage non-nuclear-weapon States from opting for nuclear weapons. That arrangement has largely been diluted in recent years through the imposition of unrelated preconditions by the nuclear-weapon States. We call upon the nuclear-weapon States to reaffirm their commitment to providing negative security assurances. That would go a long way towards preventing the proliferation of nuclear weapons.

It is important for us to look forward rather than to ruminate as to how we got to the present impasse. We need more innovative ideas, as well as the political will to cut that Gordian knot. That is also our hope, and hope is what sustains us in adversity, stimulates our belief in life and encourages us to forge ahead.

**Mr. Geras** (Belarus) (*spoke in Russian*): At the outset, I take this opportunity to join in congratulating the International Atomic Energy Agency (IAEA) and its Director General, Mr. Mohamed ElBaradei, on being awarded the 2005 Nobel Peace Prize. The Agency and its Director General can be rightfully proud of that recognition of their work in strengthening peace and security on our planet. The Republic of Belarus commends the focused and consistent efforts of Mr. ElBaradei to ensure the non-proliferation of nuclear weapons. The IAEA's work in the development and safe use of peaceful nuclear technology, including nuclear energy, is also of extreme importance to the entire international community.

The past year has confirmed the complex situation that has arisen with respect to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). One key provision of the Treaty is the balance between the obligations and rights of non-nuclear-weapon States parties. Those States have voluntarily undertaken to refrain from developing any military nuclear potential. At the same time, the Treaty unambiguously confirms the inalienable right of those States to research, produce and use nuclear energy for peaceful purposes. It would be difficult to overestimate the role of the Agency in ensuring that balance.

The Republic of Belarus is a staunch supporter of strengthening the safeguards regime and strictly honours its international obligations under the NPT and its safeguards agreement. Yet another illustration of that support is its decision to sign the Additional Protocol on the safeguards regime.

At this stage, one of the key challenges on the international agenda is the fight against terrorism, including nuclear terrorism. We are pleased to note the active efforts being made by the Agency in this area. Belarus is pleased at the successful conclusion of the process of developing and adopting an amendment to the Convention on the Physical Protection of Nuclear Materials. We believe that the entry into force of that amendment, which was adopted at the Diplomatic Conference in July, will make a significant contribution towards strengthening the regime of the physical protection of nuclear materials and nuclear facilities. The Republic of Belarus has begun to implement the intra-State procedures that are necessary for the entry into force of that amendment.

Belarus is engaging in successful cooperation with the Agency in countering the illegal circulation and smuggling of nuclear and radioactive materials. Given that, since 2004, the Republic of Belarus has shared a border with the European Union, ensuring full radiation security on the border represents a

contribution to the efforts to ensure safe boundaries for the member States of the European Union.

In that regard, during the forty-ninth session of the IAEA General Conference, Belarus proposed the holding, in 2006 in Minsk under IAEA auspices, of a regional scientific- practical conference on preventing the illegal circulation of nuclear and radioactive materials on the border of the Republic of Belarus with the European Union. We look forward to support for that initiative.

A priority area of interaction of the Republic of Belarus with the Agency is cooperation to overcome the consequences of the Chernobyl disaster. We deeply appreciate the effectiveness of the IAEA's Chernobyl technical cooperation projects, aimed also at the socio-economic rehabilitation of the affected areas.

We were pleased also to note the Agency's contribution to the work of the International Scientific Forum on Chernobyl, whose creation was proposed by the Director General of the IAEA during his visit to Belarus in August 2001.

During the Forum's final conference, held in September of this year in Vienna, the international community was presented with various approaches to assessing the consequences of the Chernobyl disaster and with recommendations on how to rehabilitate the affected regions.

The work of the Forum is of substantive and practical significance for the optimization of policies aimed at overcoming the effects of the Chernobyl disaster and for the sustainable development of the affected territories, as well for the development of international cooperation as concerns Chernobyl.

The Forum's work represents a significant step forward in the consideration of all of the long-term consequences of the Chernobyl disaster. The Forum's final document pointed out that a number of issues, including the medically related consequences of Chernobyl, are pending and require further in-depth study.

The final conference of the Chernobyl Forum has convincingly demonstrated the need for further international cooperation aimed at studying and overcoming the consequences of the greatest radiation catastrophe in the history of humankind.

**Mr. Inkiriwang** (Indonesia): On behalf of the Government of the Republic of Indonesia, I would like to begin by warmly congratulating Mr. Mohamed ElBaradei on his reappointment to the post of Director General of the International Atomic Energy Agency (IAEA) for a third term. Indonesia is fully confident that under his excellent leadership, characterized by a high degree of diplomatic and technical professionalism, which has earned the respect and trust of the member countries, he will lead the Agency to the successful accomplishment of our collective objectives and the tasks of the Agency. Let me assure the Assembly of my Government's full support and cooperation in carrying out the mandate entrusted to this important body.

In that connection, having been elected this year to serve as a member of the Board of Governors of the IAEA for the period 2005-2007, Indonesia looks forward to working closely with Mr. Mohamed ElBaradei.

Concerning the agenda item before this plenary, I would like also to express our appreciation to the Director General for the annual report of the IAEA on the activities of the Agency over the past year in various areas as well as for the statement he made earlier. Let me also avail myself of this opportunity to express our appreciation for its consistent efforts in past years in fulfilling its mandate and enlarging its core competence by responding to nuclear and related issues.

The report of the IAEA reflects a recognition of the significance and value of the Agency's work, which has an immense impact on the health and well-being of peoples worldwide as well as on world peace and development.

The IAEA, with its comprehensive membership of countries from nearly all parts of the world, especially developing member States, has made its considerable contribution in recent years to the application of nuclear energy for social and economic development related to health, agriculture, water management and preservation of the environment. It has undertaken activities ranging from assisting countries to assess their groundwater resources and improve their agricultural productivity, to re-evaluating the seismic safety of nuclear facilities and assisting in the upgrading of their physical protection, and from supporting the development of national energy

strategies to continuing efforts to ensure a more effective and efficient safeguards system.

That, indeed, deserves continued and wholehearted support on the part of all its members. We applaud the IAEA for those and numerous other achievements.

We welcome the attention devoted by the IAEA to the issue of technical assistance, which highlights three elements that are essential for the successful implementation of the Technical Cooperation Programme, namely strong Government commitment, the high quality of technical cooperation projects and adequate funding. We are encouraged by the country programme frameworks that are used to stimulate a structured dialogue between the Agency and the member States, aligning the country's technical cooperation programme with national needs and priorities, and we support the increasing priority given to technical cooperation among developing countries, using local expertise and facilities to enhance the capacity of the programme. However, my delegation must emphasize that this should be unrelated to the donor countries' contributions to the Technical Cooperation Fund, so that the funding can be assured, sufficient and predictable, so as to implement the programme as planned for the benefit of all recipient States.

Pursuant to the Technical Cooperation report for 2004, my delegation notes with satisfaction that commitments by, and support from, member States were clearly marked by an increase in the Technical Cooperation Fund from $62.6 million in 2003 to $75.6 million in 2004. However, during the same period, extra-budgetary resources dropped by almost $1 million, and in-kind contributions also fell by around $0.4 million. Although the total amount of new resources for the technical cooperation programme increased, the Agency should make every effort to avoid further decreases in both extrabudgetary resources and in-kind contributions in coming years.

With regard to managing technical cooperation for development, we welcome the restructuring of the Agency's Department of Technical Cooperation into four new geographical regions, which will lead to the regrouping not only of staff responsibilities and tasks, but also of countries in a particular region. In that connection, my delegation hopes that the Agency will be able to arrange future briefings on developments during every phase of the restructuring process.

Indonesia believes it is important to increase the representation of developing countries among Agency staff members. We are happy to note the Agency's increasing attention to that issue, which is shown by its stressing the importance of recruiting staff who reflect the widest possible geographical distribution, including an increasing number of staff from developing countries. As indicated by the Director General's statement at the forty-ninth General Conference of the Agency, there has been an increase in the number of member States — from 77 to 98 — represented among the professional staff, and the percentage of staff from developing countries has continued to grow. However, we share the concern that there has not been a sufficient and corresponding increase in the number of well-qualified female applicants. It is our common responsibility to address that unacceptable reality through initiatives that can lead to a substantial increase in their number in the Agency.

Indonesia, together with other developing countries, attaches the greatest importance to the achievement of the Millennium Development Goals (MDGs). We are, therefore, gratified to note, as pointed out in the annual report, that the Agency is assisting member States in their efforts to achieve the MDG target of halving the number of people who suffer from hunger by 2015, by providing technical support to develop and evaluate strategies to combat hunger and malnutrition. Indonesia recognizes the importance of strategies to combat malnutrition. However, limited financial resources and technologies have been the major constraints faced by developing countries, and we must address that problem as a matter of urgency. Moreover, we commend the Agency's active participation in the promotion of sustainable development — which is one objective of the MDGs — through the coordination of the inter-agency publication *Energy Indicators for Sustainable Development: Guidelines and Methodologies*.

The International Atomic Energy Agency has the ability to effectively face several challenges related to the issues of verification and the safeguards system. We appreciate the Agency's extensive efforts to strengthen the verification system and welcome the positive developments with respect to the status of safeguards agreements and additional protocols, which have steadily increased. As indicated in the Director

General's report covering the past year, NPT safeguards agreements for five more States and additional protocols for nine more States have entered into force. Thus, there are now a total of 71 States with additional protocols either in force or provisionally applied.

Concerning the application of IAEA safeguards and nuclear verification, my delegation has repeatedly pointed out that the additional protocols are the centrepiece of the Agency's response by strengthening the effectiveness and improvement of the safeguards system as a contribution to global non-proliferation objectives. They are especially needed because they can provide credible assurances regarding the non-diversion of nuclear materials and the absence of undeclared nuclear materials and activities.

To facilitate those measures, there have been, over the past year, some initiatives aimed at strengthening the integrity of the IAEA safeguards regime. In that regard, we recall the creation of the Committee on Safeguards and Verification aimed at strengthening the safeguards system. While certain situations may demand a strong, effective and adaptable safeguards regime, we believe that the Committee should play a measured role, supplementing the work of the Agency. In other words, the work of the new Committee should not duplicate that of the Agency. Indonesia looks forward to having a clearer picture of Committee's mandate and to participating in the discussions on its functioning. We encourage the Agency to continue its leadership as the sole competent nuclear verification authority within the framework of the Agency's safeguards system. We believe that it is important that the Agency preserve the integrity, professionalism and impartiality that have long characterized its work.

The International Atomic Energy Agency plays a constructive role in working towards a comprehensive settlement that will provide assurances to the international community that all nuclear activities are being carried out for exclusively peaceful purposes. It is encouraging to note the developments thus far with regard to the nuclear issue in the Democratic People's Republic of Korea. In that regard, we welcome the progress made through the Six-Party Talks and the commitment undertaken by the Democratic People's Republic of Korea to abandon all nuclear weapons and existing nuclear programmes and to observe the Treaty on the Non-Proliferation of Nuclear Weapons and the IAEA safeguards.

Indonesia, in line with the position of the Vienna Chapter of the Non-Aligned Movement, believes that all issues related to safeguards and verification should be resolved within the framework of the Agency, on the basis of technical considerations and, most importantly, through constructive dialogue, negotiation and peaceful means. In that regard, we reaffirm the importance of the basic and inalienable rights of all member States to develop atomic energy for civilian and peaceful purposes. The IAEA and its member States — especially the parties involved — should recognize that substantive progress has been made in resolving the issues outstanding in the area of safeguards implementation.

As stated earlier, we commend the technical cooperation programme of the Agency, because it has been playing a valuable role in development activities involving nuclear technology. Indonesia remains a strong supporter of the Agency's technical cooperation activities and has consistently pledged and paid its contributions to the Technical Cooperation Fund. We therefore attach great importance to the Agency's technical cooperation programme. As in the past, we have pledged our contribution to the Technical Cooperation Fund for 2006.

I wish to express our high appreciation to the International Atomic Energy Agency for providing Indonesia with continuous support, including the three recent technical cooperation projects relating to preparations for the construction of a nuclear power plant that have been initiated by several responsible institutions in Indonesia. In anticipation of the new plant, our national regulatory body, the Nuclear Energy Regulatory Agency of Indonesia (BAPETEN), has embarked upon a comprehensive programme to develop the entire necessary infrastructure, including the training of the required personnel, particularly in activities related to the licensing and inspection of the plant. We therefore continue to expect cooperation and assistance from the Agency, particularly in building the capacity of the regulatory authority. In that regard, intensive bilateral and multilateral cooperation with countries having greater experience in the development and operation of nuclear power plants has become a necessity.

The 2005 Nobel Peace Prize, recently awarded to the Agency and to its Director General, should come as no surprise, because they fully deserved it. Therefore, we wish to take this opportunity once again, on behalf of the Government of the Republic of Indonesia, to wholeheartedly congratulate the International Atomic Energy Agency and its Director General, Mr. Mohamed ElBaradei, on being awarded the prestigious Nobel Peace Prize for 2005. That award undoubtedly underscores the excellent contribution of the Agency and Mr. ElBaradei to world peace through their efforts in preventing the use of nuclear energy for military purposes and in ensuring its use and technology for peaceful purposes in the safest way.

It is our view that the work of the Agency and its Director General serves as an excellent example of the highest principles the United Nations stands for, and the awarding of the Nobel Peace Prize will serve as an inspiration to many people around the globe. It is indeed a major and worthy recognition of the Agency and its Director General's achievements and important contribution to the world and to global peace.

In conclusion, when we look ahead, it is worthwhile to remind ourselves, on the occasion of this sixtieth anniversary of the United Nations, that the IAEA's role is crucial in addressing the new challenges that the United Nations is confronted with. In the multilateral context, the United Nations in general and the IAEA in particular are in a unique position to find new paths that could provide the impetus for international actions to significantly contribute to world peace and development.

For our part, let me reaffirm Indonesia's strong support for the Agency and the United Nations in carrying out their respective mandates to promote the use of nuclear energy for peaceful purposes, and at the same time I would like to reiterate Indonesia's serious commitment to nuclear disarmament and non-proliferation and to supporting the inalienable rights of all States to nuclear energy for peaceful purposes.

Finally, my delegation would like to join in the consensus adoption of the draft resolution on the IAEA, contained in document A/60/L.13.

*The meeting rose at 12.35 p.m.*